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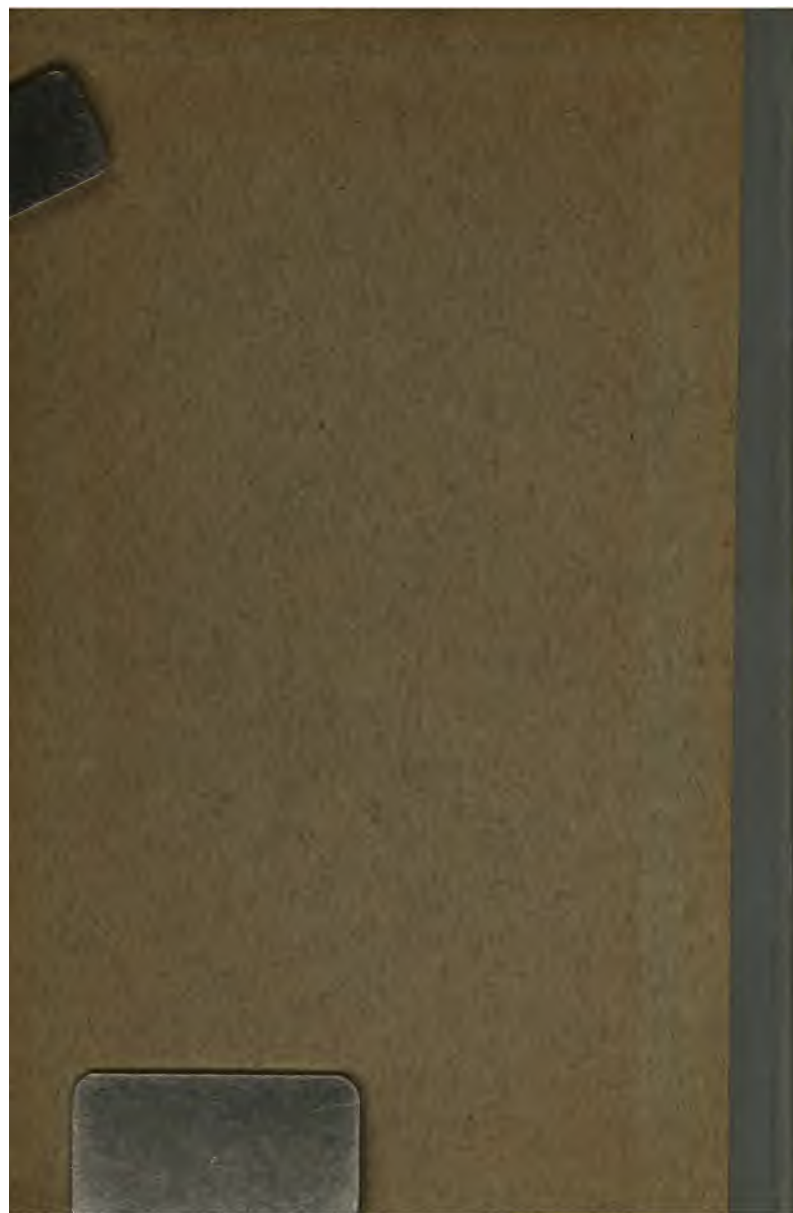
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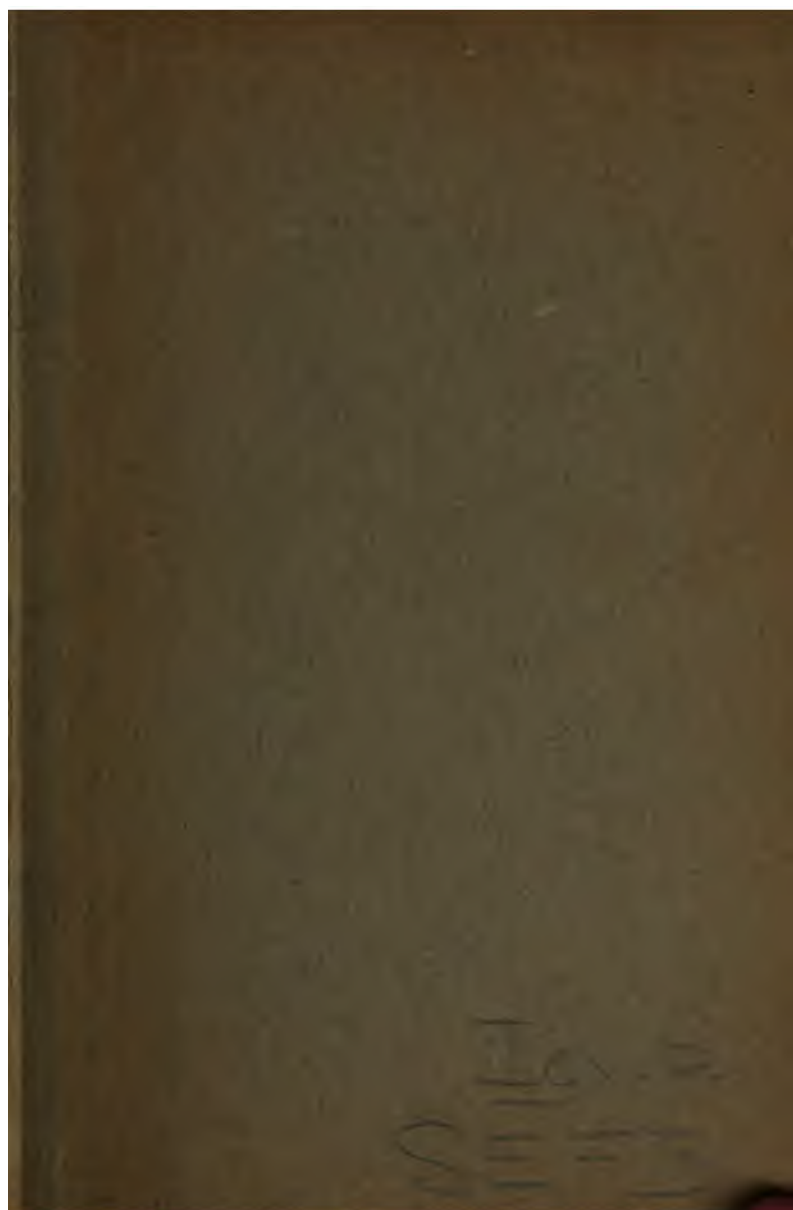
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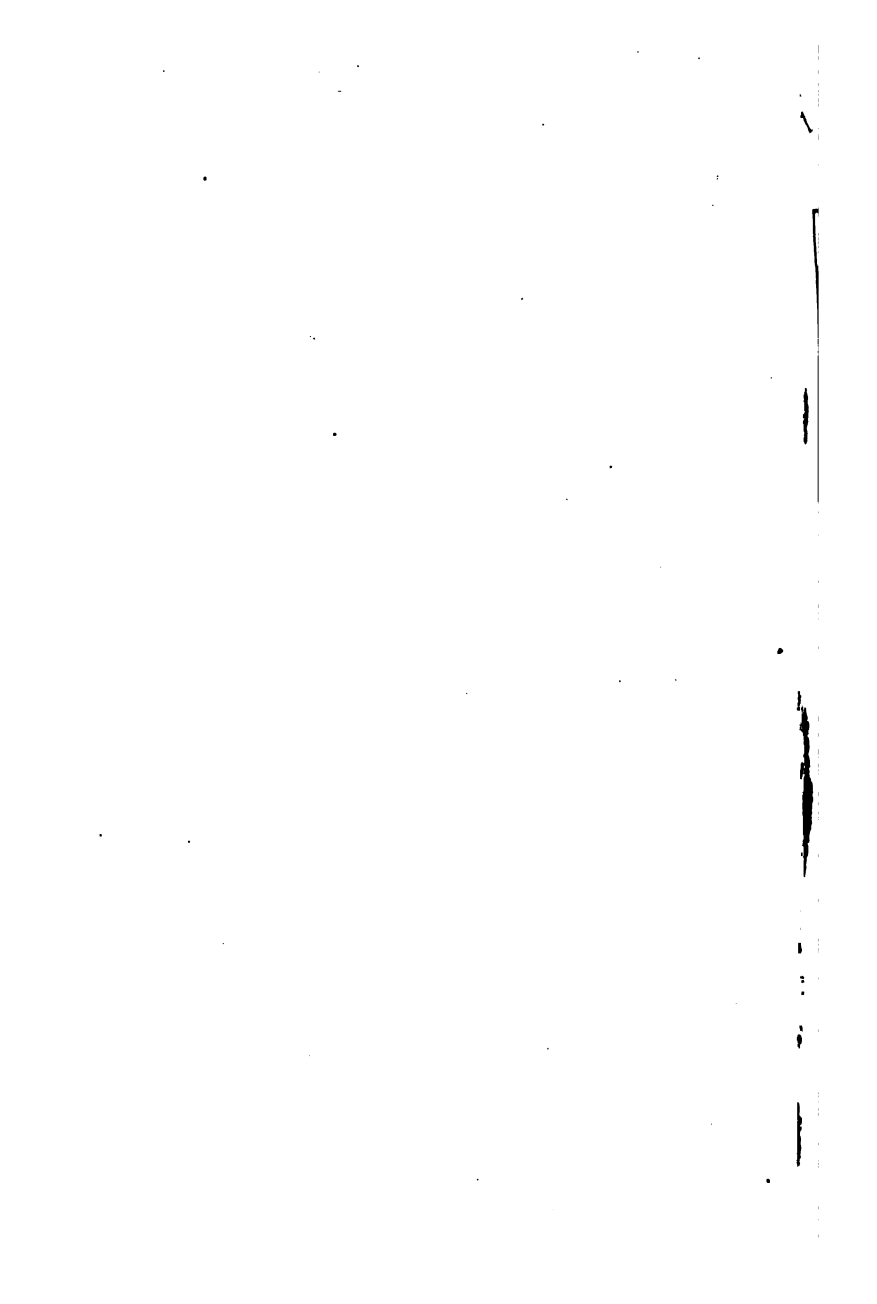
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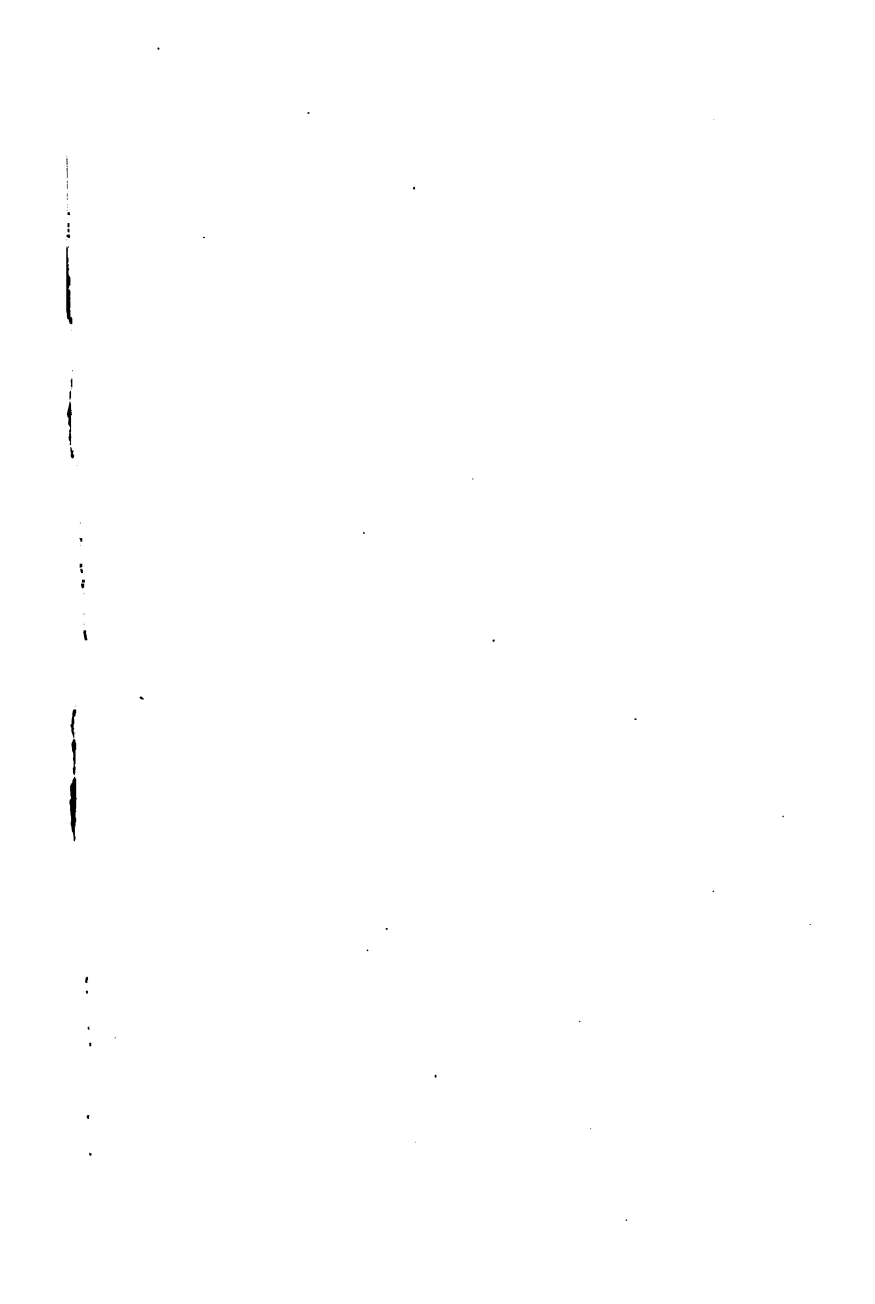


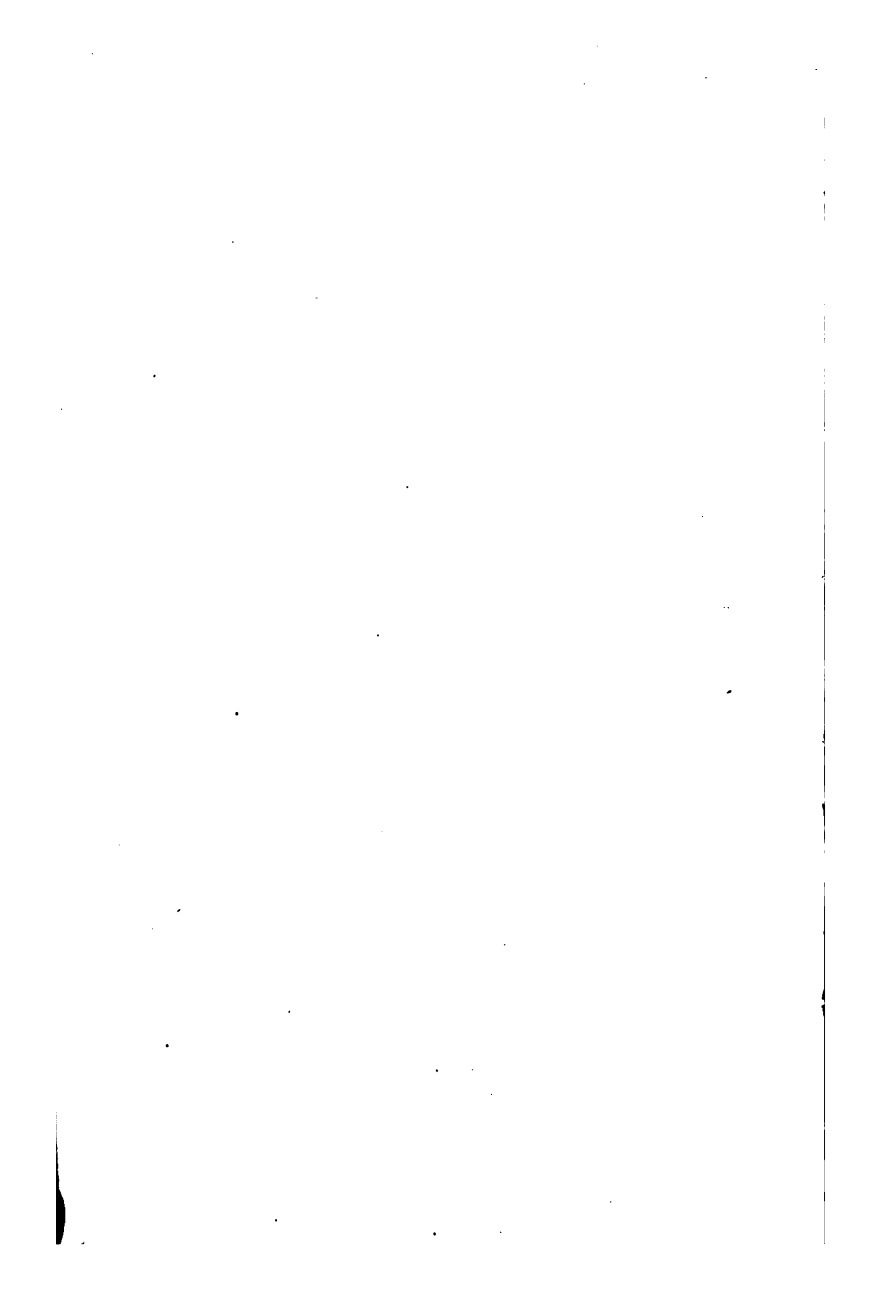
State Government

**IOWA MANUAL
OF
LEGISLATIVE PROCEDURE**

THIRTY-SEVENTH GENERAL ASSEMBLY

19268





IOWA MANUAL

OF

LEGISLATIVE PROCEDURE

BENJAMIN F. SHAMBAUGH

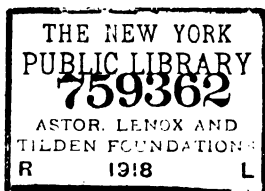
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EXPLANATORY STATEMENT

This *Iowa Manual of Legislative Procedure* has been compiled, edited, and published in accordance with the provisions of a concurrent resolution of the Thirty-seventh General Assembly bearing the date of February 8, 1917. The resolution was first presented in the Senate on February 3rd by Senator K. M. Le Compte, Chairman of the Committee on Rules.

Since the book has been compiled, edited, and printed within two weeks from the date of its authorization, it would be too much to hope for perfection in this first edition. The task would have been impossible but for the researches of The State Historical Society of Iowa in connection with the volume recently published on *Statute Law-making in Iowa* — a volume of 736 pages in which may be found a discussion of other phases of statute law-making.

The coöperation of Mr. Thomas Watters, Jr., Secretary of the Senate, Mr. W. C. Ramsay, Chief Clerk of the House, Dr. O. K. Patton, Lecturer on Parliamentary Law in the State University of

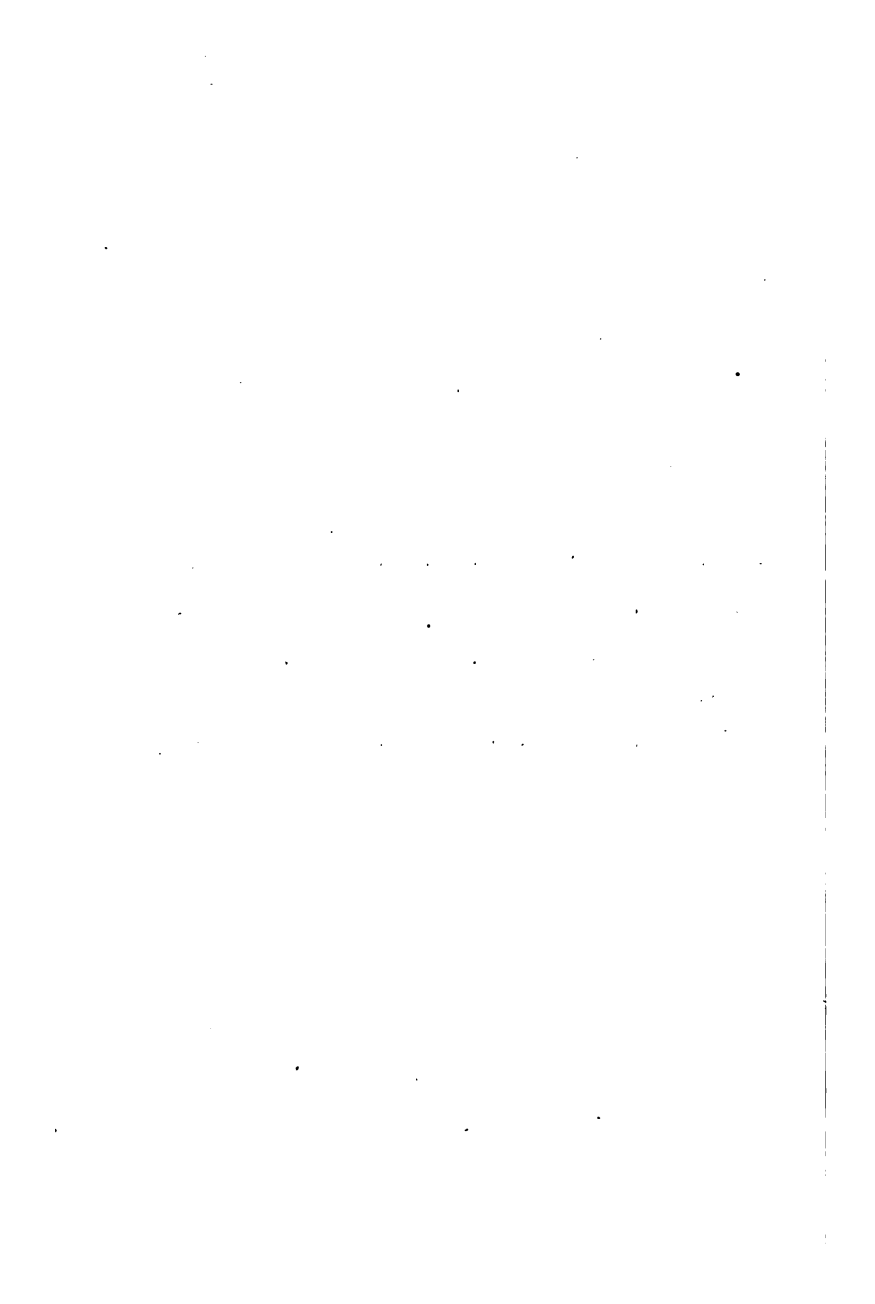
Iowa, and Dr. Dan E. Clark, Associate Editor in The State Historical Society of Iowa, is gratefully acknowledged.

BENJ. F. SHAMBAUGH

OFFICE OF THE SUPERINTENDENT
STATE HISTORICAL SOCIETY OF IOWA
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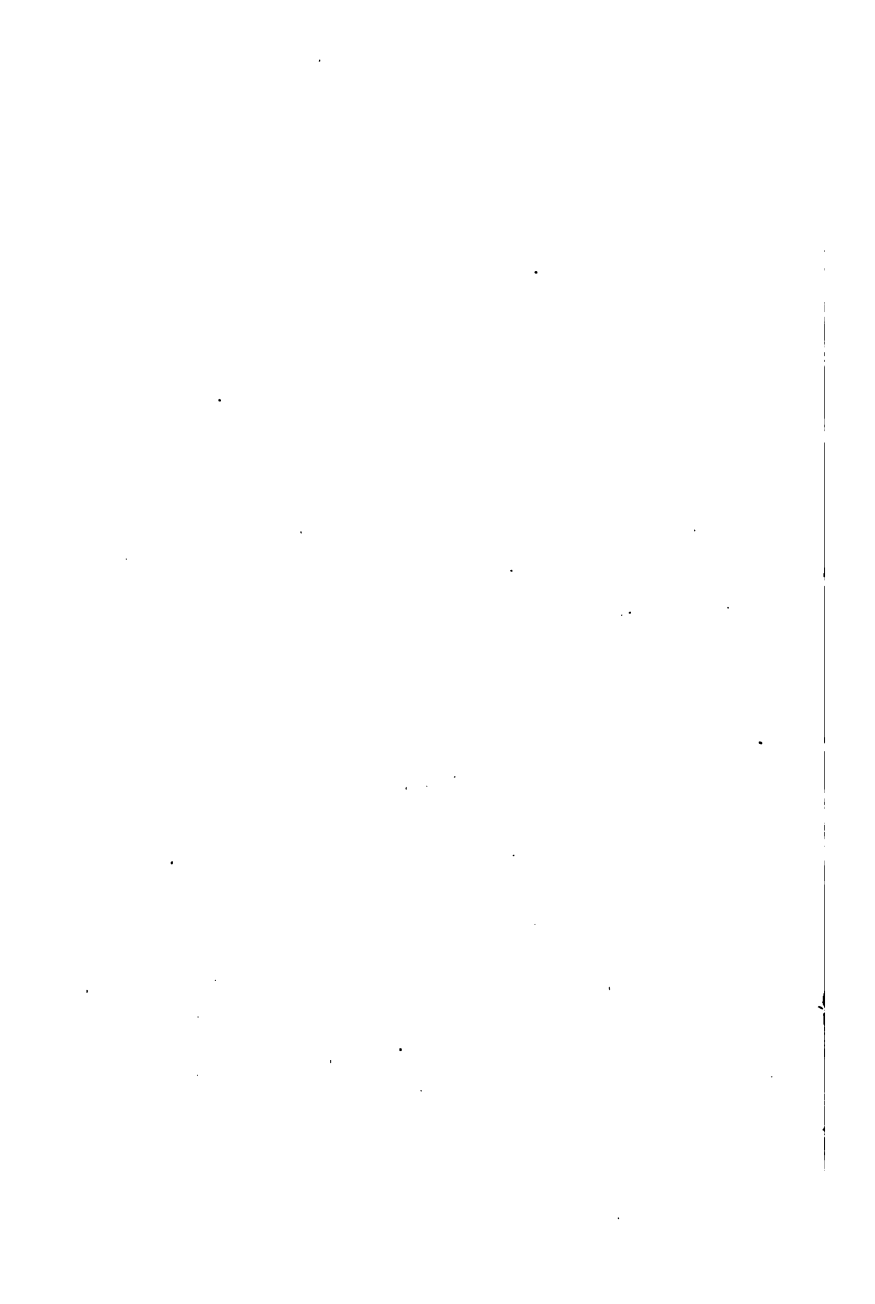


**LEGISLATIVE PROCEDURE AND PRACTICE
IN IOWA**

BY

O. K. PATTON

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I

INTRODUCTION

WHEN Thomas Jefferson, as president of the United States Senate, was called upon in 1797 to pass upon all questions of order "without debate and without appeal", he turned to the British Parliament for guidance in legislative procedure. Up to that time American parliamentary law had been "an agglomeration of English precedents which were revered because they were precedents". For this reason, Jefferson during the term of his vice-presidency, found it necessary to compile for his own use, as the presiding officer of the Senate, a set of parliamentary rules based upon the practices of the House of Commons, the provisions of the Constitution of the United States, and the adopted rules of the Senate. Mr. Jefferson was not certain as to the accuracy of all the rules he laid down, although they were based upon available English authorities, Hatsel being pre-eminent in the citations. He said, in the little preface to his rules, "I have begun a sketch, which those who come after me will successively correct and fill up till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality."

Jefferson's Manual has been published in many editions, and is to-day regarded by English parliamentarians as the best statement of the legislative practice in Parliament at the time it was written. At present it forms the kernel of the rules of procedure not only in the United States Senate, but also in the House of Representatives. It was adopted by the House in 1837, and it has remained the authority in the Senate since the days of its author. To be sure, there have been many changes in the procedure of the Senate since 1797 and there have been many changes in the House since 1837, and the practice in the two houses varies greatly, but Jefferson's rules still govern "in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders". *Jefferson's Manual* appears as a part of both the Senate and House manuals of the Sixty-third Congress: it has been so published for many years.

Mr. Jefferson's great service to the Senate in 1797 was not only to become the foundation of legislative procedure in Congress, but it was in time to become the corner-stone of legislative practice throughout the Union. The part played by *Jefferson's Manual* in American legislative procedure was well stated by Luther Cushing, the great American student of parliamentary law, when he said in the preface to his first work writ-

ten in 1844: "This work, having been extensively used in our legislative bodies, and, in some states, expressly sanctioned by law, may be said to form, as it were, the basis of the common parliamentary law of this country."

In Iowa the legislative bodies early adopted *Jefferson's Manual* by their standing rules — the Council in 1839 and the House in 1846. Moreover, the General Assembly by law adopted *Jefferson's Manual* in 1846 to govern the proceedings of the two houses when in joint convention. Indeed, it is very probable that Jefferson was followed very closely even before the formal adoption of his manual, since the journals of both branches of the early Legislative Assemblies show that the procedure resembled in general that of the House of Commons in Parliament and since the best statement of that practice which was available for a legislative body was *Jefferson's Manual*. After 1851 the House of Representatives no longer designated a particular manual as the authority for common parliamentary law, but prescribed "the rules of Parliamentary practice". Even under this provision Jefferson was the natural authority to follow. It was about this time, however, that Erskine May, the great English authority, published his monumental work on *Parliamentary Practice* — a publication that has now run through eleven editions, the last appearing in 1906.

In 1862 the Iowa Senate adopted *Cushing's Manual* as its guide. The House adopted the same manual in 1888; while the *Code of 1873* named *Cushing's Manual* in place of Jefferson's for governing the proceedings of both houses when in joint convention. *Cushing's Manual*, which bears the same relation to American legislative practice that *May's Parliamentary Practice* bears to English procedure, was first published in 1845 as the *Rules of Proceeding and Debate in Deliberative Assemblies*. Later, in 1856, a larger work appeared entitled *Elements of the Law and Practice of Legislative Assemblies in the United States*. For many years *Cushing's Manual* has been recognized as the standard authority in the common law governing the organization and procedure of parliamentary bodies. Having run through nine editions, the latest of which appeared in 1907, this work has supplanted *Jefferson's Manual* nearly everywhere except in Congress. While *Cushing's Manual* has recently given way in the Iowa House of Representatives to a more popular manual, known as *Robert's Rules of Order*, it is still the rule of authority in the Senate.

II

GENERAL RULES OF LEGISLATIVE PROCEDURE AND PRACTICE

THE business of every governmental body, whether it be a tribunal like the Supreme Court of the United States, an administrative board like the Executive Council of Iowa, or a legislative body like the General Assembly, is regulated by settled forms and methods which constitute the practice of that particular body. Some of these rules of practice, having to do with the mode of proceedings between the body and those who resort to it, may be called the rules of external procedure; others, having to do with the method of deliberation, consultation, debate, and the formation of judgment within the body, may be called the rules of internal procedure. In judicial tribunals the rules of practice relate more to external than to internal proceedings; but in legislative assemblies the rules of internal procedure are the more important. Thus it appears that the relative importance of the rules of internal and external practice will depend in part upon the character of the function performed by the body in question.


Besides the function which a body performs, there is another factor which determines in a way the nature and character of the rules of its internal practice, namely, the number of its members.

If a deliberative body is small, like a county board of supervisors, it will have little occasion for an elaborate code of rules to regulate its internal proceedings, irrespective of what may be the extent of its powers. On the other hand, if it is a numerous assembly, like the Senate or House of the General Assembly of Iowa, a well settled body of rules providing the methods of procedure is indispensable to a proper discharge of its functions. The importance of established methods is well emphasized by Cushing in his *Law and Practice of Legislative Assemblies* in the following words:

It is highly important to the preservation of order, decency, and regularity, in a numerous assembly, and not less essential to its power of harmonious and efficient action, that its proceedings should be regulated by established forms and methods; and, with a view to these purposes, it is more material, perhaps, that there should be rules established, than that they should be founded upon the firmest basis of reason and argument; the great object being to effect a uniformity of proceeding in the business of the assembly, securing it at once against the caprice of the presiding officer, and the captious disputes of members. It is to the observance of regularity and order among the members, that the minority look for protection against the power of the majority; and in the adherence to established forms, between the different branches, that each finds its security against encroachments of the others.

SOURCES OF PARLIAMENTARY RULES

Since the establishment of the rules of procedure which determine the methods of law-making is so



important to a legislative assembly, the sources of parliamentary law should be clearly understood. Thus legislative procedure may be said to be based upon usages, precedents, resolutions, orders, and laws. In a particular legislative assembly, like the General Assembly of Iowa, the body of rules which determine the mode of internal procedure is to be ascertained by an examination of all these sources. Definition of these sources is essential to a proper understanding of legislative procedure.

Usages, by which are meant the constant and usual methods of procedure like the proposing of constitutional amendments by joint resolution or the appointment of the standing committees by the presiding officers or the consideration of motions without being seconded, constitute one of the principal sources of authority for legislative procedure. These practices are not provided for in any specific manner, but are to be collected from the journals of the legislature, from the statements of experienced members and officers, and from personal observations of the bodies at work. Indeed, many of the points of modern legislative practice can be known only by personal experience or observation. They are nowhere recorded in express terms, either in the journals or among the adopted rules of the body, but are constantly recognized and practiced with as much diligence as if they were established

by the Constitution. The origin of many of these usages, even in Iowa, can be traced back to the method of law-making in the English House of Commons, whose body of rules is "the fruit of more than two centuries of wisdom and experience".

Precedents, though perhaps more properly classified as usages in their broadest sense, deserve to be especially noted as a source of authority for legislative practice, since they are as much respected by legislative bodies as judicial precedents are by the courts. They are also to be distinguished from general usages, since they establish the rule for procedure on extraordinary occasions. For example, it is a matter of general practice in both branches of the legislature of this State for a member, who is in favor of a measure but fears that some opponent may move a reconsideration of the vote by which it passed the house, to move a reconsideration, and then move to lay the motion to reconsider on the table. This procedure, although considered as practically final in both bodies for some time, did not properly establish a line of precedents, for the reason that no decision of the chair or house was involved — the action being allowed to stand merely as a matter of acquiescence. It was during the session of the Thirty-sixth General Assembly that a precedent was finally estab-

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lished in this matter. The president of the Senate ruled that a motion to reconsider a vote by which a motion to lay a motion to reconsider on the table passed the house, was not in order. This decision being appealed from was sustained by a vote of the Senate. Thus a real precedent was established in the General Assembly of Iowa. Henceforth when a motion to reconsider a vote by which a bill passed the house is laid upon the table, that action will be final unless a motion to take from the table is made, which motion, under the rules of the Senate, requires a two-thirds vote.

The above example shows how precedents originate and become authority for procedure in a State legislature. Similarly precedents have originated in the Congress of the United States. In fact, the precedents of the lower house of Congress have been collected and published in eight large volumes, which are known as *Hinds' Precedents*. Unfortunately no such elaborate collection has ever been compiled for any American State legislature. In Iowa *Hinds' Precedents* have been cited and followed as a source of authority.

Resolutions entered in the journals of a legislative body also constitute an important authority for the methods of legislative procedure. Examples of this kind are the entries made from session to session in the journals of the two branches of the

legislature of Iowa, providing for the appointment of a sifting committee. Since 1872 the appointment of such a committee has always been authorized by resolution in both houses near the close of the session. The practice of using a sifting committee is now so well established in Iowa as to be properly considered a usage of the legislature; but since the committee is always specifically provided for by resolution, it is more accurate to say that the authority for the practice rests upon resolution more than upon usage, as that term has been defined.

Another important practice in the Iowa legislature, which rests upon resolution, is the use of a calendar. It is customary in both branches of the legislature at an early date to authorize the preparation of a calendar by the recording officer of each house. Now a legislative calendar is simply a list of the bills that are ready for final disposition by the house. It is made up from day to day and consists of the bills which have come to a third reading and those which have been made special orders for the day. Like the sifting committee, the calendar, which is printed and placed on the desks of the members each morning, is a matter of usage in the General Assembly which is commonly provided for by resolution. It may, however, be established by a simple motion, and at times it appears to have been authorized only by custom.

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Orders or standing rules constitute another source of authority for parliamentary practice. In Iowa they consist of the formal rules and regulations of the General Assembly. In other words, they constitute the by-laws that have been expressly agreed upon by both houses for the government of their own proceedings. They include also the joint rules which have been concurred in by the action of both branches for the control of their inter-relationships.

The Constitution of Iowa provides, however, that each house shall determine the rules of its own proceedings, and one General Assembly can not make any rule which will be binding upon its successor. But from the very outset the practice in this State has been for each house at the beginning of the session to adopt as temporary rules the rules of the preceding House or Senate, as the case may be, and then to appoint a committee on rules. At a later date the committee on rules from each house invariably reports back the rules of the preceding house with or without amendments, and this report is usually adopted without question.

As a matter of fact, some of the present rules of the House and Senate, as adopted at the regular session of the Thirty-seventh General Assembly, are almost identical with similar rules adopted by the respective houses in the First Legislative Assembly of the Territory in 1838. Of course most

shall be recorded in the journal, while the Code provides the method of citation in repealing laws. Here are illustrations of both constitutional and statutory provisions regulating procedure. The constitutional provisions have usually been construed by the courts to be mandatory, while the statutory provisions have usually been held to be only directory. In other words the organic law may prescribe and absolutely fix a rule of legislative procedure, but statutory law can not do this since one legislature can not bind another even by law. While no legislative body need comply with any of the statutory regulations of procedure, it usually does so. Thus statutes may be said to constitute an important source of parliamentary law because as a matter of fact they are acquiesced in and followed to a very large extent.

After a consideration of these principal sources of authority for legislative practice, attention should be called to the fact that irrespective of usage, precedent, resolution, order, or statute, a legislative body may act as it pleases in every instance that arises so long as it keeps within the provisions of the Constitution. To be sure, any member has the right to insist upon the observance of all of these authorities. At the same time any member may waive his right to insist upon their observance. And so it has become an established

practice in Iowa for each house to do anything, or to proceed in any manner, though contrary to one or all of these authorities, provided it is done by general consent, that is, by unanimous consent.

Furthermore, it is an established practice in Iowa for the houses to proceed as they may see fit by suspending the rules. This is necessary in every case when unanimous consent can not be obtained: it is accomplished by motion and vote. At present the motion to suspend the rules requires a two-thirds vote, while formerly in one of the houses it required a three-fourths vote. The obtaining of unanimous consent and the suspending of the rules are so common in the General Assembly of Iowa that few bills are passed in either branch without the use of one or the other of these devices for shortening the stages of procedure. Indeed, when a large number of bills are introduced with no attempt to exclude undesirable measures at the time of their reception, some instruments of expediency like unanimous consent and suspension of the rules are almost necessary to the workings of a legislative body.

Moreover, the freedom that is given in the introduction of matters for the consideration of the legislature has resulted in the development of a speedy method of disposing of the great mass of subjects—namely, the committee system. Since every bill has presumably been carefully digested

by a committee, it is not necessary for the legislature to go tediously through a first, second, and third reading, or to wait for engrossment when few changes have been made on the floor of the house. Thus the use of short cuts has been the inevitable result of the unrestricted introduction of bills.

Having considered, in a general way, the source of legislative rules, it will now be of importance to consider the principal forms of expressing the the ordinary proceedings of a legislative body, for the purpose of giving a general conception of the mechanism of legislative procedure.

PRINCIPAL FORMS FOR EXPRESSING ORDINARY ACTION

The primary function of a legislative assembly is the making of laws, but in the consideration of the vast amount of business that is brought before it certain forms or instruments are made use of which do not have for their purpose the expression of the legislative will as law. These forms may be said to give expression to the legislative will in subsidiary and incidental matters. Of the principal forms the following should be carefully defined: motions, orders, resolutions, and messages.

Motions are propositions made to the assembly by some member and, according to the rule of common parliamentary law, seconded by another member. Motions are not seconded, however, in the

Senate of the General Assembly of Iowa — this requirement having been relinquished as a matter of usage. In the House of Representatives the motion to reconsider the vote upon a bill and the motion to order the previous question are generally seconded. The rules of the lower branch, on the other hand, provide that "when a motion is made and seconded, it shall be stated by the speaker". As a matter of practice, however, this rule is not enforced.

By motions the legislative body takes action, orders things done, and expresses its opinion. When a motion is adopted by a vote of the legislative body it becomes an order or resolution, depending upon the character of the action taken. By the common rules of parliamentary law, every legislative process must be set into operation by means of a motion, and carried forward at every succeeding step by the same means. In practice, however, nearly all of the steps in the passage of bills are taken without the formalities of either motions or votes: they are taken as a matter of course.

Orders constitute one of the forms of action which a legislative body takes by adopting motions. When a legislature directs or commands its officers, members, or even outsiders to do something by adopting a motion, its will is expressed in the form

of an order. Thus, it orders the clerk to place a bill on the calendar; it orders a bill to lie on the table; it orders a vote on a bill to be reconsidered; or it orders an address to be printed in the journal. In determining whether a motion, when adopted, becomes an order, no attention is paid to the form of the motion: everything depends upon the character of the action — is it a command?

Many motions commence with a resolving clause; and so orders in the form of resolutions are very common. Moreover, it is customary for a legislative body, when it orders itself to do something, to express its will in the form of a resolution. These practices have tended to blot out the distinction between orders and resolutions as such and to substitute therefor a popular classification of forms for expressing the legislative will on subsidiary and incidental matters into motions and resolutions — a classification which is based upon form rather than upon substance. In fact, orders are probably regarded by most legislatures as being either the standing orders provided by the rules or the special orders which are made from day to day; they do not think of every motion when adopted as being either an order or a resolution. As a result, resolutions are not now usually thought of as being motions, which of course they are. Thus it is not uncommon to find entered in a legislative journal that something was “ordered”, when


the record shows that it was "resolved"; or that something was "resolved" when, as a matter of fact, it was "ordered". It is, however, important to distinguish real orders from mere resolutions for many purposes.

Resolutions (simple, concurrent, and joint), as above indicated, are another form of action which a legislature takes in adopting motions. When a legislative body expresses an opinion or sentiment by agreeing to a motion that action is, in a technical sense, a resolution. But since this technical distinction is seldom made in the General Assembly, it will be more important at this point to deal with the three types of resolutions which have become well established in the legislative practice of Iowa — namely, simple resolutions, concurrent resolutions, and joint resolutions — although the status of each is somewhat difficult to ascertain.

A *simple resolution* is to be distinguished from an ordinary motion by its form; it is above an ordinary motion in formal dignity. A *concurrent resolution* is similar to a simple resolution, except that it is adopted by both branches of the legislature, instead of by just one house: it expresses the action of the legislature as one body, while a simple resolution expresses the action of but one of the branches of the legislature. A *joint resolution* is above a concurrent resolution in formal dignity,

and although it is similar to a concurrent resolution, it has thrown around it all the formalities of a bill and passes through all the stages that a bill passes through: it is, in addition to the ordinary use of the resolution, employed for the making of temporary laws and administrative orders.

The use of these three types of resolutions by American legislative bodies is very old. The first resolution ever adopted in Congress was in the form of a simple resolution. It was adopted by both the Senate and House and presented to the President who signed it. Some of the first concurrent resolutions of Congress, as well as the joint resolutions, were presented to the President for his signature. But at an early date it became customary to use simple resolutions by the separate branches of Congress as independent bodies, and to use concurrent resolutions when Congress as one body wished to take action by resolution in regard to some subsidiary or incidental matter. At the same time it became no longer customary to submit concurrent resolutions to the President, that formality being preserved only for joint resolutions. And since simple resolutions were no longer used for joint action, they were, of course, not submitted to the chief executive. The Congressional practice is the basis for the present usage in Iowa. The use of these forms of action is all a matter of custom, resolutions not even being mentioned in the Constitution of Iowa.



At the present time resolutions are used largely for three purposes — to express an opinion or sentiment, to issue an administrative order, and to make temporary laws. When resolutions are used for law-making the legislature is not then expressing its will in subsidiary and incidental matters; accordingly that usage of the resolution will not be considered in this connection. The issuing of administrative orders is in a sense law-making; but such orders are not usually considered as laws proper. Moreover, there is usually some general law upon which every administrative order is based; and so it will be proper to consider the use of resolutions in issuing administrative orders at this point. There seems to be no well established usage in regard to the type of resolution used and the purpose to be accomplished. The more common use of the different types may, however, be indicated.

Simple resolutions are for the most part used to express sympathy or thanks. Indeed, a large majority of the simple resolutions offered in the House and Senate during the last five sessions of the General Assembly were memorial resolutions or resolutions of sympathy extended to members on account of accident or death in their families.

It is, also, customary in both branches of the State legislature, to adopt resolutions of thanks and appreciation for the various officers, employees,

and press representatives who served the respective houses during the session. At times provisions are made by resolution for committees to attend the funerals of distinguished persons or to attend meetings of various kinds.

A much more important rôle is played by simple resolutions in connection with legislative procedure. It is by simple resolution that a calendar of bills is provided and that a sifting committee is created. The publication of rules, the printing of extra bills and journals, and the changing of rules of procedure are likewise accomplished by simple resolution. In the same manner committee clerks and legislative employees are arranged for. Thus also by simple resolution the employees of the houses are directed and controlled. Many of these simple resolutions contemplate the expenditure of money, but in such instances they are based upon some general law and are, therefore, mere administrative orders. For example, the printing of extra bills and journals necessitates an expenditure of money, but the Code provides that the State printer shall print any matter ordered printed by either branch of the General Assembly, and the money is actually appropriated by the section of the Code providing for the payment of the State printer. In like manner the payment of legislative officers is provided for; and, although the houses fix the number of committee clerks by simple resolution, they

are authorized to do so by the Code, the appropriation for all salaries being made in the section of the Code authorizing the payment of salaries of the employees and officers of the General Assembly upon presentation of the certificate of service signed by the speaker or president, as the case may be, to the Auditor and the authorization of the Treasurer to pay the warrants, thus issued, out of any money not otherwise appropriated. The principal function of the simple resolution is, then, to express the legislative will in subsidiary and incidental matters, especially in matters of ordinary action.

Concurrent resolutions do not differ greatly in their function from simple resolutions, except that they express the will of the whole legislature. By them joint conventions and sessions are arranged; Congress is petitioned to take some action; recommendations for amendments to the Federal Constitution are suggested; adjournments and recesses during the session are provided; and joint rules are adopted. Moreover, conveniences for the legislature are established by concurrent resolution, like the provisions for a lunch room in the basement of the capitol and for mail service during the session. Furthermore, the concurrent resolution is used for issuing administrative orders. For example, by it the Secretary of State is directed to furnish copies of different publications of the State,

like the Code and the session laws, to the members of the legislature. This use of the concurrent resolution approaches very near to the character of law-making, and will be discussed later in that connection.

Joint resolutions, carrying all the formalities of a bill, are used primarily to propose amendments to the State Constitution and to approve plans for buildings at the various State institutions as such plans are submitted from time to time by the boards in charge of those institutions. Moreover, a joint resolution is frequently used in place of a concurrent resolution to express an opinion or sentiment.

In fact joint resolutions may be used in the place of concurrent resolutions in expressing the will of the legislature on subsidiary or incidental matters, in declaring the policy of the State, or in suggesting action to Congress. There is no well settled American practice which makes the one form more desirable than the other for such matters. The concurrent resolution is easier to handle, because the stages in its adoption are much simpler than those in connection with a joint resolution, which carries with it the formalities of a bill.

Messages constitute another important form by which the ordinary procedure of a legislative body is expressed. The two houses of a legislature, be-

ing branches of the same body and carrying on their meetings at the same time for the simultaneous discharge of the same function, have many occasions to communicate with each other. These communications are carried on by means of messages.

Messages pass between the two branches of the General Assembly for a great many things, and they may lead to more important modes of intercourse — namely, the conference and the joint committee. Most messages, however, deal with the proceedings on bills. In Iowa messages are conveyed from one house to the other by the chief clerk of the House or the secretary of the Senate, as the case may be, although at times assistants of these officers carry the messages. When the House or Senate wishes to communicate to the other branch of the legislature some action that it has taken in regard to a bill, the clerk or secretary, proceeds to the Senate Chamber or Hall of Representatives with the message in which is embodied the communication that is to be delivered, and after being escorted by the doorkeeper to the central aisle which leads to the presiding officer's desk, the doorkeeper addresses the chairman in proper form and announces the message to the house. The clerk or secretary reads the message and it is then delivered to the presiding officer's desk where it lies until acted upon by the house. The consid-

eration of messages on the presiding officer's table is a regular order of daily business in both branches of the legislature. Furthermore, this order of business is frequently reverted to near the close of the day's session in order to get the bills involved in the hands of the proper committee as soon as possible.

No particular form of message is prescribed by the rules of either house. In practice it is a simple statement signed by the recording officer of the house making the communication to the effect that he has been directed to inform the honorable body that the House or Senate, as the case may be, has taken certain action in regard to a particular bill. It is customary to give the file number and title of the bill in the message. When a message is delivered it is accompanied by the bill and the amendments with which it deals.

PRINCIPAL FORMS FOR EXPRESSING LEGISLATIVE ACTION

Having considered the more important forms which give expression to the ordinary proceedings of a legislative body, it is now proper to consider briefly the principal forms by which the legislative will in regard to laws is actually expressed — that is, the forms which are used in making statute laws.

The common form in which a proposed law is

presented to an American legislative body is a bill; but there is another form in which such measures are sometimes offered to legislatures in this country, namely, as joint resolutions. The line which divides these two forms of presenting propositions to a law-making body can not be accurately drawn. When a proposed law deals with some special situation, or when the intention is that it shall be only temporary in its operation, the custom is to present it in the form of a joint resolution. Thus the extra employees of each General Assembly are provided for by joint resolution; so also are the employees for the biennial period in all of the departments at the seat of government. This action, in both instances, is of a temporary character: it is not a permanent arrangement, but only for the time being. It was by joint resolution that the committee on retrenchment and reform was first authorized to employ expert engineers. This was a special situation that developed out of the functions of the committee on retrenchment and reform — a committee which is created by statute in Iowa.

The records show that the great mass of the legislation which is presented to the legislature of Iowa, is proposed in the form of bills, not joint resolutions. In the Thirty-sixth General Assembly there were 1279 bills introduced and only thirty-five joint resolutions. Of course, it must be remembered in this connection that most of the proposed

laws are of a permanent and general character and are not temporary and special in their nature. This in itself would explain the large use of bills rather than joint resolutions. And yet, as has been pointed out, not all joint resolutions are of a law-making character: they are used for proposing amendments to the State Constitution, for approving plans of public buildings, and for other purposes. But the joint resolution as a form of presenting proposed legislative action to the General Assembly is sufficiently common to warrant a brief consideration of some of the difficulties connected with its use in expressing the legislative will before considering the different types of bills.

Joint Resolutions.—Joint resolutions are not recognized by the Constitution of Iowa as they are by the Constitution of the United States. The Constitution of Iowa refers to bills and laws and declares that every law shall be in the style: "Be it enacted by the General Assembly of the State of Iowa." Now it has been maintained by some authorities that when a Constitution is silent as to joint resolutions but contains many provisions in regard to bills, the inference is that all laws should originate by bill. These same authorities further maintain that the requirement that "every law" must have a particular enacting clause precludes the use of the joint resolution in law-making.

Upon this proposition the courts appear to be divided in the few decisions that have been rendered. In the judicial interpretations the courts have disagreed upon whether the language of the Constitution requiring an enacting clause is directory or mandatory. Those holding the provision to be mandatory have usually reached the conclusion that law can not be enacted by joint resolution. No decision upon the point has been rendered in Iowa. The problem, however, worried Governor Lowe in 1858 when he returned certain joint resolutions to the Senate stating that:

The Constitution of this State requires the style of all laws to be, "*Be it enacted by the General Assembly of the State of Iowa.*" The resolutions in question are wanting in these enacting words of the Constitution.

It has frequently been held that without them the law is not and cannot be valid, nor will equivalent words satisfy the absolute requirement of the Constitution in this respect.

Again, in 1860 the House of Representatives was in doubt as to the effect of a joint resolution, due probably to the Governor's message of 1858. The following report of the committee throws some light on the legislative practice of the time:

First — That in the Congress of the United States, joint resolutions are in use as a form of legislation chiefly for administrative purposes of a local or temporary character, and are in that body regarded as bills, and governed by the same rules, and that this is so under Sec. 7, Art. 1, of the Constitution of the United States.

Second — That in some of the States this mode of legislation is fully recognized by their Constitutions, and for the purposes intended, joint resolutions are placed on an equal footing with bills, properly so called, and are governed by like rules of proceeding.

Third — That joint resolutions are not expressly recognized by the Constitution of this State; and in the opinion of the committee, a joint resolution, viewed as a law, properly so called, has no force or validity; inasmuch as the style invariably used in such resolutions is a departure from the *style* strictly prescribed by the Constitution itself.

Your committee are, however, of the opinion that the General Assembly may, under parliamentary usage, properly *direct* and *control*, by means of joint resolutions, the affairs and property of the State, or their own proceedings, as heretofore customary.

Your committee take leave to suggest, in this connection, that the General Assembly may accomplish by a simple concurrent resolution, all that may be accomplished by joint resolution treated and framed as a bill.

Even to this day the General Assembly does in certain instances control and direct the affairs and property of the State by concurrent resolution. For example, at each session of the legislature it directs the Secretary of State to deliver to each member of the General Assembly a copy of the Code, together with the supplements, and the journals and session laws of the last legislature; and it often orders the rules of the General Assembly printed and bound in leather. Moreover, by concurrent resolution certain officers of each house are authorized to remain at the capitol to wind up the

affairs of the legislature after its adjournment. While all measures of this type are of a law-making character, the procedure involved in their adoption is much different than that employed in the case of legislation resulting from bills or joint resolutions. The latter pass through a first, second, and third reading and are presented to the Governor for his approval; but concurrent resolutions are simply offered, adopted, and concurred in by the other branch of the legislature — their primary use being not the making of law, but the expression of the legislative will in subsidiary and incidental matters.

After the report of the judiciary committee in 1860, to the effect that joint resolutions could not be used for the making of laws, the legislature nevertheless did in 1884 appropriate money by joint resolution. Moreover, the *Code of 1897* expressly recognized the joint resolution as a form of law. Indeed, the Code not only refers to joint resolutions, but it expressly authorizes the appropriation of money and the providing for certain State employees by joint resolution. These sections were adopted in spite of the fact that the Constitution provides that every appropriation shall be made by law. While the Code views the joint resolution as a form of law, the Constitution does not require it to pass through all the formalities of a bill. It does not even require that joint resolutions be sub-

mitted to the Governor — although as a matter of fact they always have been thus submitted. The confusion and difficulty which exists in the use of joint resolutions under the Code is brought out in the following passage from Governor Drake's message of 1898:

There should be some statutory definition of what constitutes a "joint resolution" and how it should be passed, the constitution being entirely silent on the subject. That instrument makes provision only for the enactment of laws, even providing what shall be the enacting clause. In this respect it is quite unlike the federal constitution, which distinctly provides that "every order, resolution, or vote" to which the concurrence of the two houses may be necessary (except on a question of adjournment) shall be "subject to the rules and negotiations prescribed in the case of a bill." The practice has prevailed in this state of passing upon joint resolutions precisely as bills, except that, as I am advised, the rules of the houses have not always required that each joint resolution receive a majority vote of the members of both houses on its passage. They have ordinarily, however, perhaps always, been presented to the governor for his signature. During the regular session of the Twenty-sixth General Assembly I signed a few that were presented to me that were in the shape of memorials to congress, although then in doubt as to the propriety of so doing. More mature deliberation satisfied me that if a "joint resolution" had weight at all under the constitution and laws of the state it was just as valid without my signature as with it or even if disapproved by me. Hence, I declined to act on those that were presented in the latter part of the regular session and altogether on those passed at the called session.

The legislature failed to act upon the Governor's

recommendation, but since that time every Governor has treated bills and joint resolutions alike. In fact, it is a well settled practice in Iowa to consider joint resolutions on a par with bills, although the use of joint resolutions is probably declining in this State. At least the great mass of laws are enacted by bill.

Bills.—Theoretically bills may be divided into three classes: public, private, and judicial. A public bill proposes a statute which acts upon some subject in which the whole community is interested, and when enacted adds to the body of the general law, like the negotiable instruments act of 1902. A private bill proposes a law for the peculiar interest and benefit of some person, or group of persons — for example the act of 1913 providing pensions for the survivors of the Spirit Lake relief expedition of 1857. When enacted such a statute forms an exception, as far as its particular subject is concerned, to the general law. These two types of bills propose statutes which are purely legislative in their character, that is, they provide prospectively for the regulation of something of public or private concern. The third type of bill, not being strictly of a legislative character, is termed a judicial bill. It has for its purpose the settlement of some matter of conflicting right between individuals or between the State and individuals, like

acts confirming title and authorizing the execution of a patent conveying the State's interest in land to some individual or the payment of claims against the State.

This theoretical classification, however, is not followed as a matter of practice: that is to say, a member of a legislature does not have this classification in mind in introducing bills. Seldom do public, private, or judicial bills appear in their pure form in Iowa. Indeed, bills in the General Assembly are usually so mixed in character that a so-called public bill may be partly private and partly judicial. In like manner a private bill frequently contains matter of a judicial character and often has a general interest. Moreover, a judicial bill is necessarily private in character, since it affects primarily the rights of the parties involved. These distinctions, however, are not of vital importance in Iowa since the procedure is the same for all kinds of bills.

III

PROCEDURE AND PRACTICE IN THE PASSAGE OF BILLS

FROM the foregoing discussion of rules and forms it appears that a bill or joint resolution is a proposition set forth in a special form of words and which purports to be an authoritative expression of the legislative will. When this special form of words is agreed to by the two houses of the legislature, the bill or joint resolution becomes a law. The arriving at this agreement by the two branches of the legislature is known as the passing of a bill, and the forms and proceedings used in reaching this agreement constitute the methods of statute law-making. The object of all forms and rules of procedure is to make it possible for the General Assembly to determine its will upon a particular subject of legislation with freedom in deliberation and intelligence in judgment, and when so determined to give it immediate expression in the form of words best suited to the object in view.

DRAWING OF BILLS

In the General Assembly of Iowa, as in other modern legislative bodies, the first step in actual law-making is accomplished by presenting a bill,

that is, by introducing it into one of the houses. Before such a bill can be introduced, however, it must be framed: indeed, the drawing of a bill — aside from the importance which attaches to the fact that it may become a law — is vital to its passage. For when a bill is hastily drawn, even if the legislature is favorably disposed toward the subject-matter, many changes and alterations may be required before it is acceptable as to form, and this invites amendments in both houses and tends to delay its progress at every stage and subject it to the possibility of defeat. On the other hand, if the bill is well drawn and with a view to its passage, the rapidity with which it proceeds through the legislature is in itself somewhat of an assurance of its final adoption. Moreover, there is a fundamental principle, respected by every legislative body, that bills must be drawn both as to substance and form in conformity with the rules of the house into which they are introduced. To introduce a bill by any other method requires unanimous consent or a suspension of the rules.

In Iowa both the Senate and House of Representatives have adopted rules regulating the form in which bills may be presented. These rules are subject to change from session to session. In the Thirty-seventh General Assembly the Senate requires every bill when presented to be "typewritten

double-space, and accompanied by two copies", while the House requires all bills to be "typewritten, accompanied by three carbon copies". One copy is marked and known as the "original" and one as the "printer's copy". The rules of both houses require bills to be endorsed by the Representative or Senator presenting them.

In addition to the rules of the two branches of the legislature the General Assembly has passed certain laws which indirectly govern the form of bills. When a law requires an act of the legislature to be in a certain form, that means that a bill proposing such an act must be in the same form. For example a section of the Code reads: "Every act passed in amendment, modification or repeal of a law, shall in its title and in the body of the act itself, refer to the law so amended, modified or repealed". Thus when a bill proposes the repeal of some part of the Code which appears as a section it should refer to that part of the Code by its section reference. If the part of the Code to be altered appears as a chapter, the bill should refer to it by title and chapter. Bills drafted in this form will, when enacted into laws, comply with the statutory regulations in regard to designating laws.

The same rules should be kept in mind when drafting bills affecting sections or chapters in the *Code Supplement of 1913* and the *Supplemental Supplement to the Code of Iowa, 1915*. When a

bill proposes a change in some act of the General Assembly not found in the Code or supplements, it should be designated by referring to the chapter of the act and the number of the General Assembly by which it was enacted.

Furthermore, in making any of the above references the law prescribes that the numbers of the sections, titles, and chapters should be expressed in words followed by the figures in parentheses. These statutory provisions are of course directory and not mandatory: if followed they make for uniformity, clearness, and definiteness.

Attention should also be directed to a constitutional provision which has some control over the form of bills, namely, the clause which provides that "every act shall embrace but one subject, and matters properly connected therewith". This provision has for its purpose the avoiding of "improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other". Although this provision is directed at laws, it must necessarily be kept in mind in drafting bills which are but embryonic statutes.

Not all of the regulations, however, governing the form of bills are found in the rules of the General Assembly, the statutes of the legislature, or the Constitution of the State. In fact, most of the regulations as to form are matters of custom. Since

the origin of the bill as a method of proposing legislation in the House of Commons of the British Parliament, certain things have become essential parts of every bill through practice: that is to say, the principal parts of every bill are customary. Some of the features that may be found in a bill are the title, the preamble, the enacting clause, the purview or body, the proviso, the schedule, and the publication clause. Not all of these may appear in every bill, but they are the standard parts which should be kept in mind in framing a proposed law.

Title.—The title is the short statement prefixed to a bill indicating its content and purpose. It is not, legally speaking, a part of the act after the bill is passed, but in a parliamentary sense the title is an important and essential part of a bill to be considered and amended at the pleasure of the legislature. Moreover, the Constitution of the State provides that the subject of every act shall be expressed in a title.

Preamble.—The preamble of a bill is the statement, by way of introduction, of the reasons for presenting the bill to the legislature; and it follows the title. In England every private bill contains a preamble, but such forewords are frequently omitted from public bills. Most of the bills introduced in recent sessions of the Iowa legislature have been without preambles. Of the 1279 bills introduced

in the Thirty-sixth General Assembly only thirty-five of the printed bills had preambles. Moreover, in almost every case these bills were for special acts, the preamble explaining the reason, exigency, or necessity for such action. In addition to these thirty-five bills there were some fifty odd legalizing acts which were not printed, but which contained in nearly every case a preamble. Indeed, it has been the custom in Iowa to introduce with a preamble every bill proposing a legalizing act. Thus it appears that the use of preambles in Iowa does not differ greatly from the English practice—special acts are given preambles, general acts are not. Occasionally some general act of a judicial or temporary character will also be given a preamble to explain its purpose.

Enacting Clause.—The enacting clause is the statement of the enacting authority. It follows the preamble, when there is one, and precedes the body of the act. This part of a bill is as essential as the title, since every valid law must contain a statement of the enacting authority. Where no enacting clause is prescribed by the Constitution any words which state with clearness the enacting authority are sufficient. Much depends upon custom and usage. All but five of the American States prescribe the enacting clause in their Constitutions.

The present Constitution of Iowa provides that

“the style of every law shall be, ‘Be it enacted by the General Assembly of the State of Iowa.’ ” This requirement raises the question as to whether a joint resolution can be valid as a law if it does not have the enacting clause. As a matter of fact, some of the recent joint resolutions adopted in this State contain the enacting clause prescribed by the Constitution. Space will not permit the determination of this point here, but it is well settled that when an enacting clause is prescribed by the Constitution that form must be used or the law will be invalid.

Purview.—The purview or body of a bill is the portion of the proposed law in which the legislative will is expressed: it constitutes the principal part of a bill. The body of all bills when drawn should be divided into sections, each section embracing as nearly as possible the separate parts of the enactment, and the sections when long should be divided into paragraphs. A study of the bills presented in the General Assembly of Iowa will show that sections appear in two different forms: one is a general declaration in positive terms of the legislative will, and the other is a similar statement with a qualification of the general declaration by use of a saving clause or exception.

Proviso, Saving Clause, Exception.—The use of the terms “proviso”, “saving clause”, and “except-

tion" is somewhat confusing. Provisos are sections of a bill which like a saving clause or exception create an exception to the operation of the general expression of the legislative will. The only possible distinction seems to be in the position of the proviso, exception, or saving clause. Provisos, furthermore, are often omitted at the time a bill is drawn and are added during the consideration of a bill. For this reason a different rule of interpretation has developed in the courts; and because of this fact, provisos, saving clauses, and exceptions should be used with care in framing a bill. It has been said by the courts that where a saving clause in a statute is directly repugnant to the body of the act, and can not stand without rendering the act inconsistent and destructive of itself, the act must stand, and the saving clause be rejected; but where the proviso is directly repugnant to the body, the proviso should stand and be held a repeal of the body of the act since the proviso speaks the last intention of the legislature. There is, however, no good reason for this distinction and in practice it is sometimes difficult to tell whether a saving clause, an exception, or a proviso has been used.

Schedule.—A schedule is an addition to a bill which contains matter that can not be put conven-

iently into the body of the act. Blank forms, tables, and lists are generally placed in a schedule at the end of the bill. In other words, the schedule is used for enumerating details which do not touch the general policy of the law or concern directly the expressing of the legislative will. It is, however, as much a part of the bill as the sections which precede it. Schedules, although used a great deal in England and frequently found in American legislation, have not been used to any considerable extent by the General Assembly of Iowa.

Publication Clause.—The last part of a great many bills in this State is the publication clause. By the Constitution all laws of a general nature take effect July 4th, unless otherwise provided. Special and local laws become operative thirty days after they are approved by the Governor, unless some other time has been designated. If it is desirable that an act should take effect before the time set by the Constitution or by law, the bill proposing such a law should contain a publication clause. The publication clause states that "this act, being deemed of immediate importance shall take effect and be in force from and after its publication" in two newspapers, usually naming them, one of which must be published at the capital.

INTRODUCTION OF BILLS

After a bill has been drawn the next step is its presentation to the legislature — which is done under the order of business known as the introduction of bills. According to the Constitution of Iowa “bills may originate in either house”. Every member of the House of Representatives and every member of the Senate has a right to present as many bills as he sees fit, subject of course to the rules of the House or Senate, as the case may be. In the Thirty-sixth General Assembly there were 650 bills and joint resolutions introduced in the House, and 664 in the Senate.

One of the rules of both houses affecting the right of a member pertains to the time of introducing bills. In some States this matter is regulated by the Constitution; but in Iowa it has been left to the legislature itself, and so the rule may vary from session to session. In the Thirty-seventh General Assembly no bill can be introduced in the Senate after March 15th — except committee bills introduced by “standing committees”— and no bill carrying an appropriation can be introduced after March 1st except by the committee on appropriations. Furthermore, the Senate requires all bills appropriating money to “the state educational institutions and the institutions under the charge of the board of control” to be introduced not later than February 15th.

The House has practically the same rules as the Senate. Here no bill can be introduced after March 10th except by a standing committee, and no appropriation bill can be presented after March 1st. Moreover, bills for appropriations for the State educational institutions, for institutions under the care of the State Board of Control, for the payment of claims against the State, and for the payment of the clerical help in the executive departments must be introduced not later than February 15th.

The purpose of fixing time limits upon the introduction of bills is to get legislative matters before the members early in the session and to prevent congestion in the closing days of the session. In Iowa it has been found that certain measures like appropriation bills, and especially those providing for the maintenance of the State institutions, give rise to a great deal of discussion; and so special time limits have been placed upon the introduction of such bills. But even with all of these rules the two branches of the General Assembly have found it necessary to resort to the use of sifting committees in the closing days of each session in order to dispose of the large number of bills that are pressed for consideration.

In Iowa when a member wishes to introduce a bill he awaits the arrival of the order of business known as "The Introduction of Bills", and

then rises in his place. Generally, he addresses the chair; and after obtaining recognition from the presiding officer he announces that he has a bill or says that he wishes to introduce a bill. In the meantime a page will have rushed to his desk and taking the bill from his hand hurriedly carried it to the chief clerk's desk in the House or to the secretary's desk in the Senate, where it is read by title and given its file number.

The introduction of bills has become a very mechanical affair in American legislative bodies. In the House of Representatives at Washington bills are no longer offered in the open house: they are laid informally upon the clerk's table. This saves a vast amount of time. In the earlier days in Iowa the presentation of a bill was attended with more formality, when leave to introduce a measure had to be obtained from the house. And it is still a rule of the Senate that "every bill shall be introduced on report of a committee, or by leave". In practice, however, leave is always tacitly granted; so that there is really no more formality in connection with the introduction of bills in the Senate than in the House.

It has been noticed that the right to introduce bills belongs exclusively to members; but the mere fact that a member introduces a bill does not necessarily mean that it was drafted by him. Indeed, Representatives and Senators frequently introduce

bills that have been drawn by others, and if they do not wish to be held responsible for the legislation proposed they explain that the bill is introduced "by request". Thus it is possible for outsiders to draft bills and have them introduced: as a matter of fact a large number of the bills introduced at each session of the General Assembly are drawn by outsiders. It has been said that "parties wanting legislation are expected to call upon the honorable member with a bill already put into shape." When no explanation is offered at the time of introduction the member presenting a bill is presumed to approve of the legislation which it proposes. Sometimes measures come to be known by the name of the person introducing them — as the "Cosson Red Light Bill", or the "Johnson Road Bill".

Frequently a bill is introduced by two members of the legislature, that is, it is introduced into both branches of the legislature. The Senate and House files embracing the same bill are known as companion bills. When a companion bill passes one house and goes to the other it is customary to substitute it for the file which is its duplicate. There are occasions, however, when two members of the same house introduce a bill together; and sometimes one member introduces a bill for another member.

Members may introduce bills for committees as well as for themselves and "by request". Stand-

ing committees frequently bring in bills, when it is customary for the chairman to introduce the measure. In the earlier days it was the practice to refer the different sections of the Governor's message to the standing committees of the house with a view to having them prepare bills upon the subjects recommended or discussed in the message. But this practice is no longer followed: to-day committee bills are usually based upon some subject which has been referred to the committee in the form of a bill. Special committees are also appointed from time to time to draw bills; and the sifting committee may introduce a number of bills after its appointment. Sometimes bills are introduced by joint committees, as the committee on retrenchment and reform or the joint committee on additional employees.

There is still another method by which bills may be introduced into either house of the General Assembly and that is by receiving a message from the other house. When a bill has passed one house it is sent to the other house by message. By receiving the message the house permits the introduction of the bill as much as if it had been presented by one of the members of that body, and it stands on an equal footing with bills introduced by any other method.

CUSTODY OF BILLS

After a bill has been introduced it remains in the custody of the chief clerk of the House or the secretary of the Senate until some action is taken upon it. Both houses make their recording officers "responsible for the custody and safekeeping of all bills, resolutions and other matters laid before or introduced into the house". These officers endorse upon each bill the date of introduction, the file number to which it is entitled, or its receipt from the other house, and also the action taken by their respective bodies. When a bill is committed these officers deliver the bill to the chairman of the committee and take a receipt for the same. Thus the bill during committee consideration is in the actual possession of the chairman of the committee, but it remains in the constructive custody of the recording officer.

Only the custody of the "original bill", however, is entrusted to the chief clerk of the House and the secretary of the Senate. On the other hand, printed bills are in the custody of the sergeants-at-arms of the respective houses. The immediate custody of the printed bills in each house is in the hands of the file and bill clerks who have charge of the bill room in which are kept the printed bills: they are under the supervision of the sergeant-at-arms who is charged not to give out printed bills except to

or upon the order of the presiding officer, a member, or a State officer. This rule is not strictly enforced.

PRINTING OF BILLS

All bills, except legalizing bills, are upon their introduction printed for the use and information of the members, unless otherwise ordered. Legalizing bills are generally printed in the journal, although in some cases such bills are never printed either before or after their enactment. The rules of the legislature provide that three hundred copies of each bill shall be printed for the use of both houses; at times additional numbers are printed upon the order of one of the houses. Occasionally one branch of the legislature orders a bill of the other branch printed in extra numbers for its own use; and frequently printed bills are distributed broadcast over the State upon the receipt of requests from constituents. The Johnson Road Bill, which was presented to the Thirty-sixth General Assembly, is a good example of the use of the printed bill for educational purposes outside the legislature. During the consideration of that measure the House of Representatives authorized the printing of over one thousand copies of the bill, which were used by members to satisfy the demands that were made upon them for copies of the proposed law. Since the State printer is authorized by law to print anything ordered by either branch of the

legislature, either the House or Senate may secure the printing of bills without the sanction of the other house.

RECEPTION AND REJECTION OF BILLS

When a bill is presented to a legislative body it may be either received or rejected; and after it has once been received it may be in effect rejected before it is put upon its passage. Bills may be rejected at the time of their introduction, not only because of their subject-matter but also because of their form, that is, because they do not comply with the rules of the legislature or the laws of the State in regard to form. This, however, is seldom done: indeed, bills are often received and sometimes even passed which do not comply with the statutory provisions in regard to form. Bills are sometimes rejected because they are presented after the time fixed for their introduction.

There are several ways in which opposition to a bill may be expressed in a parliamentary sense. One method is to object to the first reading of a bill: in fact, this is the only method in Iowa actually provided by the rules of the House and Senate. When objection is made to the first reading the presiding officer puts the question in this form: "Shall this bill be rejected?" If the "ayes" carry, the bill is not received. To-day action is seldom if ever taken under the rule just mentioned. In

other words, it is a well established practice of the General Assembly to receive all the bills presented without question and allow them to run the gauntlet of legislative consideration.

Another method of objecting to a bill is to refuse to allow it to pass to the next stage of consideration, such as a second or third reading. The various steps of procedure are in theory taken on motion, so that by voting down a motion by which a bill would proceed to the next step its consideration would be discontinued. For example, in the General Assembly it is the practice to actually make the motion to give a bill its third reading — although other steps of procedure are taken in Iowa without the formal motion — and if that motion is voted down consideration of the bill ceases at that point. At some later time, however, the bill could be given its third reading and its consideration might thus be resumed.

The common method of rejecting bills to-day in Iowa is by indefinite postponement. This action is usually taken upon the recommendation of the committee which has had the bill under consideration. Indeed, indefinite postponement has taken the place of most of the earlier methods of rejecting bills during the course of the proceedings upon them. Moreover, such a method of rejection works well with the committee system, since it gives every bill the chance of being considered in committee

before it is turned down. Indefinite postponement in this State really grew out of the earlier practice of disposing of bills by laying them on the table. An abuse of the motion to table developed in Iowa: frequently a motion to table a bill for some specific period was made, the date being fixed at a time when it was known the legislature would not be in session. In effect this was a motion to postpone indefinitely. The motion to table is now seldom used: only two bills were tabled in the Thirty-sixth General Assembly, and both of these were in the Senate. In these instances, however, the motion appeared in its correct form.


When a bill is indefinitely postponed it is as completely disposed of as though it had been rejected at the time of its introduction. Some conception of the use of this method may be gathered from an examination of the records of a recent session of the legislature. Thus in the Thirty-sixth General Assembly it appears that of the 650 bills and joint resolutions introduced in the House, 132 were indefinitely postponed by the House and 31 by the Senate; of the 664 bills and joint resolutions introduced in the Senate, 155 were indefinitely postponed by the Senate and 11 by the House. These facts mean that out of the total number of bills introduced in both houses of the legislature in 1915 over one-fourth were rejected during consideration by being indefinitely postponed. In other words,

about as many bills were indefinitely postponed as were finally enacted into law.

There is still another method of rejecting a bill during its consideration, namely, by a motion to strike out the enacting clause. The use of this motion is very old in Iowa, but at the present time it is not often resorted to. It is still recognized, however, by the rules of both branches of the General Assembly. The enacting clauses of only four bills were stricken out at the session of the legislature in 1915.

WITHDRAWAL OF BILLS

On account of the large number of bills which are introduced without consulting the different members, many of them have overlapping provisions. Thus it becomes expedient at times to withdraw a bill for the purpose of introducing another. This may be desirable on account of the form of the bill or some complication in the procedure. Bills are also often withdrawn for other reasons, which may be either political or personal with the author. At times alterations and amendments or the realization that it will not accomplish the purpose intended may prompt a member to withdraw a bill. Moreover, a bill may be withdrawn because of the predetermined attitude of the house or because a bill passed in the other branch of the legislature accomplishes the same purpose.




The withdrawal of a bill may take place at any time when there is no order concerning it before the house. Under ordinary conditions this must be accomplished by a motion. If, however, a bill is in the hands of a committee it must first be withdrawn from the committee and then from the house — which may in Iowa be accomplished by the same motion. A common practice in the General Assembly, however, is to ask unanimous consent to withdraw a bill, which on account of the personal character of the request is seldom denied. In the Thirty-sixth General Assembly there were about sixty-five bills withdrawn in each house.

RE-INTRODUCTION OF BILLS

It is a fundamental principle of common parliamentary law that when a bill has been introduced it is pending until finally removed from the consideration of the legislature. A bill is pending until it has been rejected, withdrawn, indefinitely postponed, passed, or has failed to pass, that is, until some definite action has been taken upon it; but it may still be pending without being immediately before the assembly. After a bill has been unfavorably disposed of it may again be brought before the General Assembly by being introduced.

When a bill has been rejected it can not be re-introduced in the same house, unless some modification is made in its provisions; but the slightest



change will usually be sufficient to allow a re-introduction without objection. By a joint rule of the General Assembly in Iowa it appears that when a bill passes one house and is rejected by the other, it can again be introduced in either house by giving five days notice and obtaining leave of a majority of the members of the house in which the same is to be re-introduced. Bills are rarely re-introduced in Iowa.

FIRST AND SECOND READING OF BILLS

When a bill is presented to either branch of the General Assembly by a member, a committee, or the other house it is handled substantially in the same manner, and passes in time through all the stages which legislative experience has established for the passing of bills. These steps of procedure were invented at an early period in parliamentary history when the art of reading and writing was not so generally known as it is to-day and when printing was little used. Although its exact origin is unknown, the practice of giving a bill three separate readings was developed during this period.

The first reading was given for information: by a reading the members of the legislature received the text of a bill — there being no other method of obtaining this information. To-day, in the General Assembly of Iowa, within twenty-four hours after a bill is introduced every member of the legislature

has a printed copy upon his desk. He keeps these printed copies in bill files which are provided by the State for him—one for the House files and one for the Senate files. These files have the appearance of an ordinary loose-leaf note book, with "House Bills" and "Senate Bills" printed upon the cover. Thus during the consideration of any bill, whether a House or Senate file, every member can turn to a printed copy of the proposed law. So that nowadays members of legislative bodies do not rely upon the first reading of a bill to get the text of the proposed measure, but upon the printed bill.

From the history of parliamentary practice it appears that after a bill had been given its first reading it was given a second reading, provided there was no objection. At this stage attention was given to the form as well as to the substance of the bill. Debate ensued, and if the house was unable to get the bill in a satisfactory form it was referred to a committee. With the introduction and use of the printed bill for the information of the members of the legislature, the first and second readings have dwindled into mere forms—forms that have survived the period of their usefulness.

It is now a rule in both branches of the General Assembly of Iowa that "the first reading of a bill or joint resolution shall be for information" and if no objection is made "the bill or joint resolution

shall go to its second reading without further questioning''. In practice bills introduced by members are usually read a first and second time and referred to a committee: they may be passed on file without immediate action, and later committed. Bills introduced by committees are read a first and second time and either referred to a committee, placed on the calendar, or passed on file for the time being. Bills introduced from the other house lie on the presiding officer's table until the order of business known as the consideration of messages on the presiding officer's table is reached, when they are taken up and given their first and second reading and either referred to a committee at once or passed on file until some later date, when they are referred. Substitute bills offered by either a member or a committee are frequently placed upon the calendar after their first and second reading, although they may be committed. It must be remembered, however, that every bill, whether introduced by a member, a committee, or by message from the other house, whether an original bill or a substitute bill, is under the rules of both branches of the legislature of Iowa given a first and second reading. But the same is not true of amendments.

When an amendment is offered by a member or presented by a committee it is sent by a page to the desk of the recording officer and read by him or an assistant. But there is no first reading in

the sense in which bills are read a first time, and no second reading of any kind. The same practice prevails in connection with amendments from the other house: they are read before being considered by the recording officer, but there is no first and second reading in the parliamentary sense.

In both branches of the legislature of Iowa provision is made for a special reading clerk who has a place at the desk of the chief recording officer. When a bill is brought to the desk, upon being introduced, it is passed to him and he reads first the title. At this stage the presiding officer announces the first reading of the bill. Then the reading clerk, after the announcement of the first reading by the presiding officer, reads the title over again, whereupon the second reading of the bill is announced. In every case the first and second reading amount to but one stage of procedure. After the second reading is announced the reading clerk gives the bill to the recording officer who retains it until he delivers it to the proper committee.

COMMITMENT AND AMENDMENT OF BILLS

After a bill has received its second reading it is usually committed, that is, referred to a committee for further consideration. According to common parliamentary law, however, the measure may be considered at once, amended, engrossed, read a

third time, and put upon its passage. In the Thirty-sixth General Assembly of Iowa every bill that was introduced by a member was referred to some committee for consideration. About one hundred files in the two houses together, which were introduced by committees, were not sent again to a committee but were allowed to go to the next stage of procedure. There were, also, a few bills that were introduced by message from the opposite house which were not committed, especially near the close of the session. Generally speaking, however, bills are always committed in Iowa: here the committee system is in vogue to the fullest extent.

Method of Commitment.—When a bill reaches the stage of commitment it is presumed to have been sanctioned to the extent that the legislative body wishes to see the bill in its best possible form or to ascertain if the bill is in its best possible form. It would seem, then, that the purpose of commitment is to make possible the examination of the details of a bill and make any changes and additions that may be necessary to accomplish the purpose of the bill. At an earlier time this was the sole purpose of commitment, and it still remains an important object of that stage of procedure. At the same time the substance of bills is given as much consideration by committees to-day as is their form. In fact, a modern legislative committee

passes as much upon the substance of a bill as does the legislature itself. Legislative experience has found it more expedient to entrust the examination of bills in the first instance to a few who understand the subject-matter or who, from their familiarity with the class of subjects with which the bill deals, are in a better position to understand the nature of the bill than to leave the matter to the whole house for examination. The very size of the two branches of the General Assembly makes such detailed examination of bills by the House and the Senate impracticable.

When a bill has been given its second reading according to a rule of the House, the speaker states "that it is ready for commitment, amendment or engrossment". If the bill is ordered committed then the question arises as to whether the commitment shall be to a select or a standing committee, or to a committee of the whole house. When the House decides to consider the bill in committee of the whole it fixes, according to the rules, the time of such consideration. As a matter of practice, however, bills are referred to the proper standing committee by the speaker at his discretion, unless there is objection or a motion to commit to some particular committee: often he acts upon the suggestion of the member introducing the bill. The commitment of some bills is specifically provided for by rule. For example, "all bills to appropriate

money shall be referred to the appropriation committee, and all bills pertaining to the levy, assessment or collection of taxes shall be referred to the committee on ways and means."

The modern practice of committing bills is more fully covered by the Senate rules than by the House rules. Thus a rule of the Senate provides that "upon the second reading of a bill or joint resolution, the president shall refer the bill to an appropriate standing committee, unless otherwise ordered by the senate." The Senate rules also provide for consideration in committee of the whole; but neither the House nor Senate of the Thirty-sixth General Assembly resolved itself into committee of the whole during the regular session in 1915. This practice has prevailed longer in the Senate than in the House; and it has been followed occasionally in recent years by that body.

Likewise it was the practice in the early days to refer nearly every bill to a select committee; but standing committees have now taken the place of select committees in both branches of the legislature. Once in a while a select committee is still appointed for some particular purpose. For example, in the 1915 session of the legislature the House appointed a select committee to draw a substitute for a bill which proposed an act placing telephone companies under the control of the board of railroad commissioners. This committee was appoint-

ed after a vast number of amendments had been adopted and the bill was in very poor form. In other words, the select committee was resorted to when the ordinary legislative machinery proved inadequate.

Select committees are at times used for other purposes. For example, the Senate referred the joint resolution on additional employees for the Thirty-sixth General Assembly to a special committee which had been appointed to investigate the charge of graft contained in the Governor's message. For the most part, however, the standing committee is used in the Iowa legislature. The Senate rules, also, provide for the special commitment of appropriation bills. All appropriation bills are referred to the committee on appropriations the same as in the House; but no provision is made for the commitment of revenue bills to the committee on ways and means as is the case under the House rules.

Instructions to Committees.—In the early years of parliamentary practice in Iowa committees were frequently instructed: to-day they may be instructed in regard to a bill, but this practice is not resorted to unless there is some urgent reason or some unusual pressure. Such was the case in the Senate of the Thirty-sixth General Assembly when the committee on the suppression of intem-

perance, which appeared to be delaying action on temperance legislation, was instructed in regard to the temperance bills in its hands. The rules of both houses also contain instructions to committees. The committee on appropriations in the House is instructed by March 10th to prepare a schedule of all appropriations granted by the House up to that time and all appropriation bills yet to be considered. The Senate appropriations committee is charged with the completion of a similar schedule by the first Monday after March 10th.

Committees in Iowa, however, are given a wide latitude in the consideration of bills, ranging from the power to present a new bill to recommending indefinite postponement. As a result it has often been said that when a bill passes into the hands of a committee its fate becomes unknown, and if unfavorable action is taken in the committee those who were responsible can never be ascertained since no adequate records are kept of committee meetings. The committee system is more often criticized because of this lack of individual responsibility than for any other reason. In this connection it is important to note that the House of Representatives of the Thirty-fifth General Assembly took a significant step when it adopted the following rule:

When a motion which works a final disposition of a bill in the committee is up for adoption the roll of the committee

shall be called and the yeas and nays entered in the minutes of the meeting.

The appropriations committee, however, was not compelled to observe this rule; and in 1915 the House of Representatives exempted also the judiciary committee. Moreover, the House of Representatives took a further step in advance when, in 1915, it required the chairmen of committees to see that the records required of committees were properly kept and deposited with the chief clerk of the House at the end of the session. The same practice is followed in the upper house.

In the House of Representatives the chairman must notify the author of a bill of the time at which his measure will be considered in committee, in order that he may confer with the committee during the consideration of the same. No one, however, but members of the committee may be present when final action is taken on a bill. In the House chairmen are also required to place a notice of committee meetings on each member's desk. The Senate gives the chairmen only the right to announce meetings just before the daily adjournment. In each house there is a bulletin board on which the announcement of committee meetings may also be made. And announcements of committee meetings are often made by the recording officers when the houses are not actually in session.

Reports of Committees.—One of the most important features of the committee system is the consideration of committee reports. Although the legislative body is willing in the first instance to turn the consideration of a bill over to a committee, it desires to review the work of the committee and either approve it, or disapprove it, or supplement it. All this is accomplished in the consideration of committee reports.

To get a report from a committee is sometimes a difficult matter; and so it is often said that the fate of a bill under modern legislative procedure rests with the committee to which it is referred. In Iowa, however, it would now seem possible for any member of the legislature to force a committee of his own house to report after a certain time. By the rules of the Senate of the Thirty-seventh General Assembly every committee must "report back all bills in its hands, within fifteen days after the order of the reference, unless a different time is granted by vote of the senate." The appropriation committee is not required to comply with the provisions of this rule.

The House of Representatives has practically the same rule, but makes ten instead of fifteen days the time limit. A time limit rule for committee consideration in the House is very old, having originated in 1886. At that time the rule was proposed in both branches of the legislature, but it

was adopted only by the House. The original rule applied to all committees, but the House of the Twenty-second General Assembly exempted the appropriations committee and cut the time to seven days. Then in 1890 the House restored the ten day provision, in which form it has remained until the present day. On the other hand, the Senate rule placing a time limit upon committee consideration is very recent, having been adopted on March 16, 1915.

Although appropriations committees in both houses are exempt from the above rules it is not to be presumed that they are uncontrolled. Indeed, the appropriations committee in the House must report all bills in its hands not later than March 10th; and Senate bills received by this House committee after March 10th must be reported to the House within three days. In the Senate the appropriations committee is required to report back not later than the first Monday after March 1st all bills in its hands, and after the third legislative day prior to said Monday it must report on all House bills referred to it within three days.

In order to enforce these various rules regulating the time a bill may be retained by a committee the chairman or clerk of each committee in both houses, except of the appropriations committees, is required to endorse upon the back of each bill the date of reference. This makes possible

author be permitted to withdraw the bill on account of some other bill covering the matter; and very often a committee submits a substitute bill in its report. A Senate rule requires all reports of committees on bills or resolutions to be made in duplicate and to be accompanied with the original bill or resolution to which the report relates. There seems to be no House rule covering the point, although the same practice is followed.

Committees do not always agree, in which case a minority report may be submitted. Sometimes it is possible to get the minority report substituted for the majority report. By a House rule minority reports are required to be printed in the journal: generally they are also printed in the Senate journal, although there is no rule to that effect.

When a committee reports, the report may be considered at once and either adopted or rejected, or it may be passed on file, that is, laid over for the time being and later taken up and considered. When a committee reports in favor of indefinite postponement the report is usually acted upon at once, and in most cases the report is adopted. Such action on the part of the General Assembly disposes of the bill as effectively as if it was voted down. Upon a recommendation for indefinite postponement, however, the bill may be referred to another committee or placed on the calendar either by

motion or unanimous consent. It may, also, be immediately considered, amended, and placed upon its passage. If a committee report takes some form of recommendation for passage, it is quite common to pass the report on file. After the report recommending passage is taken up and adopted the bill is placed upon the calendar, and is ready for consideration by the house.

Consideration of Amendments.—A common criticism of the committee system is that no consideration is given to a bill on the floor of the house and that everything depends upon committee action; but this criticism is not fully sustained by the practice of Iowa legislatures. Indeed, the journals of the recent sessions of the General Assembly show that a large number of amendments to bills are offered from the floor of the houses after the consideration of committee amendments. When a bill is taken up in its regular course on the calendar committee amendments are considered first; and often these amendments are amended before being adopted. After the committee amendments have been disposed of members of the house are at liberty to offer other amendments. In the Senate of the Thirty-sixth General Assembly more bills were amended that had no committee recommendations than those that had amendments proposed by committees; and a number of bills to

which there were proposed committee amendments were rejected. The same thing was true of the consideration of bills in the House, and of the consideration of House files in the Senate and Senate files in the House.

The presentation of amendments by members, as mentioned in the preceding paragraph, is somewhat difficult in that the only way to get such an amendment before the house is to have it printed or read by the clerk. Since a bill is rarely considered on the same day on which the committee reports, especially during the early part of the session, the amendments proposed by committees are printed in the journal before the consideration of the bill is reached and thus they are before every member in printed form before they are brought up. But the same is not true of amendments offered by members, since they can not be offered until the bill is brought up for consideration.

If a member desires to get his amendment in printed form before it is voted upon he may proceed in one of several ways. First, he may anticipate the consideration of a bill and file his amendment in advance any time before the day on which the bill is likely to be considered: he may do this when no other business is before the house or by obtaining unanimous consent — the latter being the customary way. In the Senate this will entitle him to have his amendments thus filed printed in the jour-

nal before the day of considering the bill. Another way of accomplishing the same thing is to obtain unanimous consent to have the amendments printed in the journal. Still a third way is to wait until the bill is called up and then, after offering an amendment, to move that action be deferred until some future date — in other words, to make a special order of the bill. It frequently happens that when a large number of amendments are presented from the floor some member who has offered no amendment will make the motion for a special order so that all may have the opportunity of seeing the amendments in printed form. Indeed, it is very difficult to vote intelligently upon an amendment when one has only a printed bill before him and must rely upon the reading clerk to get the proposed change; and yet, scores of amendments are adopted in this way. In fact, it is the way amendments are generally adopted unless they have been printed according to one of the methods discussed above.

In connection with amendments which appear in the journals both before and after they are adopted, it is interesting to note a practice in the General Assembly which makes these printed amendments available to members. Each morning when the journals of the preceding day are distributed an extra copy is placed on the desk of each member, and in most instances the clerks clip these

amendments out and stick them on the proper bills in the bill files.

Re-commitment.— Occasionally the assembly is not willing to consider a measure when it comes from the committee. In that event the bill may be re-committed, that is, referred again to a committee. It may be referred to the same committee or to a different committee. At times a committee makes the recommendation that a bill which it has had under consideration be referred to some other committee. Sometimes bills, either by unanimous consent or by motion, are withdrawn from one committee and referred to another.

A motion to re-commit may lead to a great deal of diversity of opinion as to the committee to which the bill should go. In the Senate of the Thirty-sixth General Assembly when the committee on penitentiaries and pardons reported the bill on the compensation for officers and employees of the reformatory at Anamosa there were motions made to re-commit it to the committee on appropriations, the committee on the Board of Control, the committee on retrenchment and reform, and the committee on penitentiaries and pardons. It was finally referred to the committee on appropriations.

ENGROSSMENT AND THIRD READING OF BILLS

After a bill has been considered in the house and put in the form desired by the members it is ready

for engrossment and a third reading. Formerly engrossment and a third reading were two distinct stages, but in Iowa they now constitute but a single stage. The purpose of engrossment and a third reading is to incorporate the changes that have been made in a bill by the action of the house and then to read the bill in its final form-before it is placed upon its passage. Engrossment in Parliament has been displaced by printing, that is, after a bill has passed the house in which it originated it is printed in the form in which it was passed. This second printing of the bill takes the place of engrossment: it comes after the third reading and passage. In Congress engrossment is still preserved, but it is combined with the third reading so that when this stage is reached there is always a motion that the bill be engrossed and read a third time. Thereupon the bill is read a third time by the reading of its title. If any member demands the reading in full the bill must be laid aside until it can be engrossed.

In the General Assembly of Iowa real engrossment has also been virtually abandoned. Only four bills were ordered to be engrossed in the House in 1907, and only one each in the sessions of 1906, 1904, and 1902. In the Senate no bill has been ordered to be engrossed since 1904 and at that session only one bill was engrossed, as was the case at the preceding session. Since 1907 no bills have

actually been engrossed in either house, but the motion at this stage has been that the rules be suspended and "the bill be considered engrossed, and read a third time". When, however, this motion is decided in the negative it is necessary to have the bill engrossed. This is accomplished by a motion which refers it to the committee on engrossed bills. After such an order the house must wait until the committee reports that it has found the bill properly engrossed before it can continue the consideration of the bill. After engrossment has been ordered dispensed with or the bill has been properly engrossed, then the reading clerk reads the bill at length. The third reading is the only method by which a bill is ever presented in its final form before a vote is taken upon it. Like the first and second reading the third reading of bills has become a mere matter of form in this State.

This slack method of reading of bills has raised the legal question of what constitutes a reading; and it is now well settled that to read by title is considered a reading of a bill, unless it be required by the Constitution to be read in full. The Constitution of Iowa makes no requirements in regard to the reading of bills, but provides that "the question upon the final passage [of a bill] shall be taken immediately upon its last reading". Legislators have differed upon the significance of this provision of the Constitution. A joint committee

of the legislature in 1897 came to the following conclusion :

The question under the above provision is whether section 17 is mandatory or simply directory. If mandatory, then clearly the Legislature has no power to waive it or to neglect to carry out its provisions; if it is doubtful as to whether the courts would construe it, so far as it relates to a full reading of a bill, as mandatory or merely directory, then the wise, prudent and careful legislator would resolve the doubt in such a way as to avoid the question of the constitutionality of the law being raised under this section, and we think should insist on a full reading of a bill as provided by the Constitution.

In practice the reading clerk goes through the form of giving a bill its full reading. Before this reading a kind of engrossing is done by the recording officer who inserts all changes which have been made in the original bill. A House rule provides that all bills when engrossed shall be written with a "black record ribbon". There is also a committee on engrossments in each house of the General Assembly whose duty it is to compare the engrossed bill with the original bill, together with the amendments made to it, to see that it has been correctly engrossed. In Iowa, since bills are no longer actually engrossed, it appears from the journals that this committee no longer functions.

When a bill goes to the other house it is presumed to be in its engrossed form; accordingly amendments made to it are not engrossed in the

bill but are attached to the engrossed copy and sent back to the originating house. If they are adopted they are incorporated later under another stage of procedure known as enrollment.

Formerly a bill was debated upon its merits and could be amended or committed when an order of engrossment was proposed, but that practice no longer prevails in Iowa. A rule of the House specifically provides that "no amendment, unless by way of correcting an error or omission, shall be received to any bill on its third reading, and no debate shall be allowed on the same." The same policy is followed in the Senate, although a rule provides that amendments may be proposed after engrossment by obtaining unanimous consent. In the Senate under the rules a bill can only be committed before its third reading: in the House the rule allows commitment any time before its passage. As a matter of practice the House seldom if ever commits a bill after its third reading. Indeed, the Constitution prohibits such a practice.

PASSAGE OF BILLS

After a bill has been given a third reading, the next and last step in its actual adoption is the vote upon its passage. According to the earlier procedure a bill could be debated on its merits when put upon its passage; but this practice no longer prevails. A Senate rule provides that a "vote on

its final passage shall be immediately taken [after the third reading] without debate." The House follows a similar practice, which, as a matter of fact, is a constitutional requirement. The provision of the Constitution reads: "the question upon the final passage shall be taken immediately upon its last reading".

The Constitution of Iowa further prescribes the number of votes necessary for the passage of a bill: "No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly". This provision means that a majority of the elected members in each house is necessary for the passage of a bill — not a majority of those present, which is the case in Congress. The Constitution also provides that "a majority of each house shall constitute a quorum to transact business". If just a quorum is present, everyone would have to vote in favor of a bill in order to pass it. Furthermore, it is necessary under the Constitution to take the vote upon a bill by yeas and nays, that is, by calling the roll and recording each member's vote. The yeas and nays must also be recorded in the journal of each house in order to make the passage of a bill valid.

If a bill receives a constitutional majority when put upon its passage then its title is agreed to. It is important that the title be properly expressed, since the Constitution prescribes that "every act

shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." During the course of amendment a bill may be so materially changed that the original title no longer expresses the subject; or it sometimes happens that the original title is not in the best form. So it is the practice in both branches of the legislature to agree to the title after the bill is passed. Very frequently amendments to titles are offered and adopted at this point.

The bill, having finally been adopted, is presented to the recording officer for his signature according to the joint rules; whereupon he signs it and endorses upon it the date of passage.


AGREEMENT BETWEEN THE HOUSES ON BILLS

It must always be kept in mind that most modern legislative bodies are made up of two branches and that it is necessary for both houses to pass a bill in exactly the same form in order that it may become a law. This often gives rise to difficulties and complications: it led to the development of many technical rules governing the action between the two branches of Parliament. These rules have been largely modified even in England: they never were

closely adhered to in the United States. In Iowa the parliamentary relations between the houses have been simplified by the joint rules of the General Assembly.

An examination of any of the journals of the legislature of Iowa will show that the House and Senate often find it impossible to agree upon the form of a bill, which is defeated for that reason. When, however, one house passes a bill in exactly the same form in which it passed the other house the proceedings between the two branches of the legislature with reference to that particular bill are at an end. The bill is then returned to the originating house by message. It does not again come before the originating house, but remains in the custody of the recording officer until it is enrolled by the enrolling clerk and presented to the presiding officers for their signatures.

The method just described is the simplest way in which the two houses reach an agreement on a bill. They may reach a disagreement in as easy a manner. Thus, when one house fails to pass or indefinitely postpones a bill received from the other house the two houses have reached a disagreement and the proceedings between them upon that particular bill are at an end, unless the measure is re-introduced as provided by the joint rules of the General Assembly. There are, however, other ways in which the branches of a legislative body may



reach an agreement or a disagreement which are not so easy to follow.

Frequently one house passes a bill, received from the other, with some modifications or changes — that is, the bill is passed with an amendment or amendments. In such a case there is only a conditional agreement between the two branches of the legislature: that is to say, one house has agreed to the action of the other house upon condition that the originating house accept certain changes made by the amending house.

Again, from a conditional agreement on the part of one house complicated situations may sometimes arise. When a bill is amended and returned to the originating house, with the amendments appended to the bill and authenticated by the signature of the recording officer informing the originating house of the action taken and asking it to concur in the changes made, there are at least three situations that may arise. First, the proposed amendments may be considered by a committee or the house may act directly upon them. When the house acts it considers each amendment separately and it may concur, concur with an amendment, or refuse to concur. If the originating house concurs in all of the amendments without any changes, the proceedings between the two branches are at an end and the bill passes to the next stage of procedure. But if the originating house refuses to concur in any

one of the amendments, or concurs in one or more with an amendment, then the bill is returned to the house making the original amendment. This leads to either the second or third situation that may arise.

The second situation arises when a bill is returned to the amending house without the concurrence of the originating house in all of the amendments previously adopted by the amending house. At this point the bill goes to the presiding officer's table where it remains until taken up under the proper order of business. The amending house may then either insist on or recede from any or all of its amendments which have not been concurred in by the other house. If it recedes from all amendments to which the other house has not agreed, the proceedings between the two houses are at an end; but if it insists on one or more of these amendments the two branches of the legislature have reached a temporary disagreement and a conference is necessary.

The third situation arises when a bill is returned to the amending house with a conditional concurrence of the originating house, that is, with amendments to one or more of the amendments adopted by the amending house. Under the joint rules of the General Assembly the amending house at this point may either concur or refuse to concur in any one of the amendments made to the amendments

already adopted by it. According to common parliamentary law it might also concur with an amendment to any one of the amendments made to the amendments already adopted by it. There is some question, however, whether the joint rules, by omitting this reference to common parliamentary law, preclude such a method of action in Iowa. The question is unimportant, however, since during the last seven sessions of the General Assembly no amendment has been made to any of the amendments of the amending house.

Undoubtedly an amendment may be made to the amendments of the amending house either by the authority of the joint rules of the legislature or by the common parliamentary law of the land. And if such an amendment is made and the amending house concurs in the action taken then the proceedings are at an end, but if it refuses to concur with any of the amendments made to its own amendments the bill must be returned to the originating house to give that body an opportunity to recede from its amendments to the amendments of the amending house. When a bill is so returned to the originating house, which then refuses to recede from any of its amendments not agreed to by the amending house, a conference is necessary.

Unless otherwise provided a conference committee in Iowa consists of four members from each house. It is not a "heterogeneous body, acting as

one committee, but two committees, each of which acts by a majority." In early times conferences were only indulged in at the pleasure of the houses; but now, as has been pointed out, one house may force the other house to hold a conference under the joint rules by insisting upon one or more of its amendments. When a house insists upon an amendment it appoints a committee on conference and notifies the other house of its action by message and asks for a committee on conference. Upon the receipt of such a message the other house under the proper order of business appoints a committee on conference.

After a committee on conference has met at some convenient time and conferred freely, each branch of the committee or a majority of it reports by its chairman the results of the conference to the house. An agreeing report is made in writing and is signed in duplicate by all the members of the committee, or by a majority of those of each house agreeing to it. One of the duplicate reports is retained by the committee from each house.

An agreeing report of a conference committee is first presented, together with the bill, to the house refusing to concur, and there acted upon. When a conference committee disagrees the bill and papers pertaining to it are returned to the house insisting on the amendment, where they remain. When a conference committee reports, the matter

may be considered at once, passed on file, or referred to a committee. In practice it is usually disposed of at once.

A conference committee may recommend in its report that the house insisting do recede, or that the house refusing to concur do concur. Furthermore, it may propose new amendments or that old ones be stricken out. Indeed, it may even report a substitute bill. Since the whole object of a conference is to reach an agreement and thus prevent the defeat of the legislation under consideration and since both branches of the legislature are equally represented, a conference committee may go very far in considering the merits of the bill and in recommending changes and alterations that are likely to be acceptable to both houses.

The report of a conference committee may or may not be adopted. In case it is adopted by both houses the bill is passed in conformity with the recommendations of the committee and the proceedings on the bill are terminated. If the report is not adopted by both houses, or if the committee is unable to reach an agreement, a new committee may be appointed at the pleasure of the two houses. A second conference, however, is rare. A disagreement of a conference committee or the rejection of the report of a conference committee by either house usually means the defeat of the bill.

Conferences between the houses are not common

in Iowa. Throughout the session of the Thirty-sixth General Assembly there were only five conference committees appointed. These were for conferences on the appropriation bill for the Iowa Soldiers' Orphans' Home, on the joint resolution approving plans for buildings at educational institutions, on the bill making provision for recovery by a woman for personal injuries, and on the bill for an appropriation for institutions under the Board of Control. The reports of all these conference committees were adopted. The only other conference of the session was on the bill in regard to the formation of a county board of education; and in this instance the House refused to accept a conference report which proposed a substitute bill.

There are some special rules regulating agreements between the two branches of the General Assembly that should be remembered. First, a motion to amend an amendment made by the opposite house takes precedence over the motion to concur in that amendment; and a motion to recede takes precedence over a motion to insist. Moreover, when a motion to insist is lost it is deemed to be a receding without further action on the part of the house and is so entered in the journal. By inference it would seem that when a motion to recede is voted in the negative that it should be entered on the record as a motion to insist. If this is true it is immaterial whether the motion to recede or insist

is put first in cases where a bill is returned with an amendment in which the other body refused to concur. And yet, under the expressed language of the rule, it would appear to be the better practice to make the motion to insist, since a negative vote on the motion to insist is the same as an affirmative vote on the motion to recede. The purpose of these rules is to expedite business and to force an agreement if possible; for without an agreement legislation is impossible.

Furthermore, there are some principles of common parliamentary law that apply in these cases. In the first place a house that refuses to concur may concur at any time either absolutely or with amendment by securing possession of the bill. Secondly, an amending house can not amend its own amendment, because it has on that question passed its opinion. In other words, during the proceedings neither house may leave out or change anything which has already been passed upon by it — otherwise the business of agreeing might become endless. But either house may change its general action at any time that it can get possession of the bill, by waiving its amendments and concurring absolutely in the bill; but it can never waive an amendment in which the other house has concurred.

It has already been noticed that after a bill is once introduced it is in the possession of one house

or the other. After a bill has been approved by one house it passes from its possession to the other; sometimes, however, it becomes desirable for a house to again obtain possession of the bill for the purpose of making some change in it. This is accomplished by making a motion that such and such a file be recalled. The House may recall either House files or Senate files, and the Senate may do likewise. But a house need not give up a bill in its possession; when it does so the action is taken upon its own motion.

ENROLLMENT AND AUTHENTICATION OF BILLS

When a bill has passed both branches of the General Assembly in exactly the same form it is ready to be enrolled, that is, copied on parchment. Enrollment is always done by the enrolling clerk of the originating house. All of the amendments which have been made to the bill in the proceedings between the two houses are now incorporated and the caption "A Bill" is left off, so that the title reads "An Act".

After a bill has been enrolled it is signed by the recording officer of the originating house, which constitutes a certification of its true origin. The bill is then examined by the committee on enrolled bills of the originating house and also by a joint committee of the legislature on enrolled bills (made up of two members from the House and two from

the Senate) to see that the enrolling clerk has copied the bill correctly and inserted all amendments in their proper place. Great care is taken with enrollment because the enrolled bill has been held by the Supreme Court of Iowa to be the best evidence of what the legislative action really was. Indeed, it is doubtful whether the courts of this State will go behind the enrolled bill to find out what the legislature adopted as the language of a particular act.

The several committees on enrolled bills are required to compare the enrolled bills with the engrossed bills and with the amendments that have been made, and report their findings to the legislature. The committee on enrolled bills of the originating house reports only to that house, while the joint committee reports to both houses. The committees on enrolled bills report at any time when no one is addressing the chair. After these committees have made their report the bill is signed, first by the speaker of the House and then by the president of the Senate. These signatures are prescribed by the Constitution for the legal authentication of the legislative action expressed in the bill. Moreover, it is required that the signature of the presiding officer shall be affixed in the presence of the house. After signing a bill the presiding officer always announces that he has signed such and such a file in the presence of the house.

Bills are sometimes signed by the president or speaker *pro tem*, although the Constitution provides that the bill shall be signed by the "Speaker and President".

After a bill is signed in each house it is presented by the committee on enrolled bills of the originating house to the Governor, for his approval. The committee on enrolled bills reports the date of presentation to the originating house and the fact is entered upon the journal, thus making it possible to compute the length of time that the Governor retains a bill.

EXECUTIVE APPROVAL OF BILLS

Although provisions concerning the executive approval of a bill are found chiefly in detail in the Constitution, there are some statutory enactments upon the subject which should not be overlooked.

When the Governor approves a bill he signs it and dates it and, through his secretary, communicates the fact to the originating house, where such fact is entered upon the journal. If the Governor disapproves he returns the bill to the originating house along with his objections. Upon their receipt such objections are read in the originating house and entered upon the journal; and the house proceeds to reconsider the bill. In this reconsideration the bill may be disposed of at once, or it may be referred to a committee. If, after a reconsider-

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ation the bill passes the legislature by a majority of two-thirds of the members of each house upon a yea and nay vote, the bill becomes a law notwithstanding the Governor's objections. Furthermore, if the Governor retains a bill more than three days, Sundays excepted, after it is presented to him and while the legislature is still in session, it becomes a law without his signature. When the legislature adjourns all bills which have been presented within the last three days may be retained by the Governor for thirty days, at the end of which period they must be filed with the Secretary of State with his approval or objections as the case may be.

Certain forms have been provided by the legislature for promulgating acts disapproved by the Governor. When a bill is returned with the Governor's objection and is repassed as provided by the Constitution, the presiding officer of each house signs the following statement at the end of the enrolled bill:

This bill, having been returned by the governor, with his objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this day of

When a bill is retained longer than three days by the Governor the Secretary of State authenticates it by endorsing on the enrolled bill the following statement:

This bill, having remained with the governor three days (Sunday excepted), the general assembly being in session, has become a law this day of

Occasionally it becomes advisable to recall a bill from the Governor, either to correct it or to give it further consideration. This is done in Iowa by an ordinary motion. When a bill is returned it is necessary to reconsider first the vote by which it passed the house and then to reconsider the vote by which it passed to its third reading. The bill is then before the house for its consideration, and may be amended or disposed of in any manner in which the assembly sees fit.

CUSTODY AND PUBLICATION OF ACTS

The original enrolled bills are filed with the Secretary of State for safe-keeping, and become the source of authority for the statute law of the State. Any person desiring a copy of any statute law may secure a certified copy of the enrolled act from the Secretary of State by paying the legal fee.

The Constitution of the State provides the time at which acts take effect: all general and public acts take effect on July 4th unless the General Assembly otherwise provides in the law itself. Private acts take effect thirty days after they are approved by the Governor, unless the legislature makes some other provision. Acts passed at special sessions take effect ninety days after adjournment. The

Constitution authorizes the legislature to provide for the immediate operation of all acts which they think of especial importance, by publication in certain newspapers.

Acts which are to take effect by publication must appear in at least two or more papers, one of which must be published at the seat of government. The papers in which such a law is to be published are specified in the publication clause of the act. When either or both papers so specified fail or refuse to publish the law the Secretary of State may designate another paper or papers in which the publication shall be made; and in case the papers are not designated in the act when passed the Secretary of State may designate them.

When an act is so published it takes effect from and after the date of its last publication. The Secretary of State endorses on the enrolled bill a certificate stating in what papers the act was published and the date of the last publication in each of them. This certificate becomes presumptive evidence of the facts therein stated. Copies of all acts of a general nature which take effect by publication are mailed by the Secretary of State to the clerk of the district court in each county, where they are kept for six months or until the laws are officially published. Here any one may have access to them, and through the agency of the district court obtain information concerning the general

laws of the State which take effect prior to July 4th and before their publication by the State.

SPECIAL FEATURES CONNECTED WITH THE PASSAGE
OF BILLS

There are certain features of statute law-making which deserve special consideration in this connection. These features either do not constitute a necessary part of the procedure upon a bill at any of the regular stages in its passage, or they are quite independent of the stages through which the bill passes; at the same time they are too important to be wholly overlooked. They concern such matters as motions, resolutions, debate, voting, reconsideration, and related subjects.

Motions.—Attention has already been called to the fact that the General Assembly of Iowa is a deliberative body and therefore governed by the ordinary rules of procedure for such bodies. The common form by which a deliberative body expresses its will is by motions, of which there are various classes—principal, privileged, incidental, subsidiary, and supplementary. It is not necessary in this connection, however, to discuss these various classes or to expound the common parliamentary law of motions: such an exposition may be found in the manuals adopted by both branches of the legislature as the rules of authority in the re-

spective houses. But the use of motions is so common that it will be helpful to notice some of the practices in regard to their use by the General Assembly of Iowa.


Motions are used in the legislature of Iowa primarily in connection with the consideration and passage of bills; in fact a bill is never considered except upon motion. This is true even when a bill is next on the calendar and unanimous consent or a suspension of the rules would be necessary to avoid the consideration of the bill at that point. Even bills that have been made a special order are taken up, when the time arrives, upon motion; and, as a matter of fact, when unanimous consent is asked to take up a bill out of its order it is really taken up on motion. Motions, then, are important from the very fact that their use touches everything the legislature does in the enacting of laws. Furthermore, some general facts in connection with motions are essential to the understanding of statute law-making.

In the House "every motion, except subsidiary or incidental motions, shall be reduced to writing if the speaker or any member desires it, but this exception shall not apply to motions to amend." In other words motions to amend must always be in writing and principal motions may be required, either by the speaker or some member, to be in writing. All other motions can be made from the

floor. A principal motion is defined as "any original and independent proposition, submitted to the assembly for its action when no formal proposition is before it". All other propositions, that is, those that are subsidiary, incidental, or supplementary to some other proposition are secondary motions and can not be required to be reduced to writing. The rule may be stated thus: when a motion is designed to dispose of or act upon a principal motion it is a secondary motion and may be made orally in the House — except the motion to amend, which must be in writing. In practice principal motions are presented orally or in writing at the choice of the mover. Members are seldom if ever required to reduce their motions to writing.

In the Senate practically the same rules prevail. A Senate rule provides that "all motions (except to adjourn, postpone or commit) shall be reduced to writing, if required by any member". In practice motions to amend are always in writing and many other motions are presented in written form at the choice of the mover.

It is a fundamental principle of common parliamentary law that every motion shall be seconded, and it is so provided by the rules of the House; but in practice only a few motions like the previous question and reconsideration are ever seconded. In the Senate motions are seldom, if ever, seconded.



Resolutions.—Resolutions have been discussed at length in a preceding section, but some additional attention should be given to simple and concurrent resolutions since they are nothing more than formal motions—motions put in a set form of words. Joint resolutions are not here considered because they are handled as bills, not as motions. Resolutions are generally offered in writing and may be presented either by members or committees. Under the House rule they must lie upon the table for one day before being taken up. In the Senate resolutions lie over one legislative day if there is objection to immediate consideration, otherwise they are entitled to be considered at once.

Debate.—A great deal has been written about debate in American legislative bodies. Its ineffectiveness and the loss of time occasioned by it have often been pointed out. Many have said that American legislative bodies have ceased to be deliberative—real debate no longer existing in them. Although this may be true in the General Assembly, the two branches have found it expedient to regulate the matter by rules. Thus before engaging in debate one must obtain recognition from the chair, confine himself to the question under consideration, and avoid personalities. In the House he may speak only once, unless given special

permission, and even then he can not speak more than a second time until all who desire to do so have spoken once upon the question. Furthermore, when the debate is on a bill after its second reading, that is, during its real consideration by the House, a member can not speak longer than fifteen minutes without leave. When a member is unable to finish his remarks within the allotted time it is customary to grant him a few moments in which to close. This may be done by motion or by unanimous consent. When debate is under way in the House only the following motions can be made: the motion to adjourn, to lay on the table, to postpone to a day certain, to commit or amend, to postpone indefinitely, and the previous question. Nor can one member interrupt another to make any of these motions: he must obtain recognition from the presiding officer before stating his motion. When the motions to postpone or commit have once been made and decided they can not again be made on the same day or during the same stage of procedure on the bill.

Up until the present session of the legislature the Senate has had no standing rule limiting the time of debate. The upper branch of the Thirty-seventh General Assembly, however, has adopted the following rule: "No senator shall be permitted to speak more than fifteen minutes on any one question unless his time is extended by consent of a

majority of the senate." The Senate, moreover, has the same rules as the House in regard to making motions during debate.

In addition to the time limit set upon debate by the rules there is another method of limiting debate upon each individual proposition, namely, by moving the previous question. The rules governing the use of the previous question are found in the manuals stating the common parliamentary law of the land; but so important is this motion and so common is its use that both branches of the General Assembly have seen fit to adopt special rules regulating its use. The House rule provides that whenever a member moves the previous question he must state specifically whether he is moving the previous question on the main question and amendments or on the amendments only. The effect of the motion when carried by a majority of those present is to bring the house to a direct vote upon the question to which the motion applied, except that when the motion applies to the main question the member in charge has ten minutes to close and when the motion applies to amendments only the member in charge has five minutes to close before the vote is taken. In the Senate no such distinction between the bill and the amendments is made. There the rule is drawn for the main question only, and the member in charge is given ten minutes to close. When the previous question is ordered in

the Senate it closes debate upon the amendments and the main question at the same time "unless otherwise indicated by the motion and ordered by the senate".

Voting.—Both houses require every member present to vote unless excused by the body, and no member is allowed to vote upon any matter in which he is personally interested. Upon routine matters votes are taken *viva voce*, although any two members may require the yeas and nays, and when the presiding officer is in doubt or a division is called for by any member a standing vote is always ordered by the chair. Those in the affirmative rise first and are counted, then those in the negative. The Constitution prescribes that the voting on bills shall be by yeas and nays. By this method every member is placed upon record, since the yeas and nays must be recorded in the journal.

Sometimes a member finds it necessary to have his vote recorded after the roll has been called. This is done by addressing the chair and having the entry made on the record. Frequently at the time the journal is corrected a member will have his vote recorded — the record showing that he was absent. Such a correction must be made by obtaining unanimous consent. The Senate, however, has a rule that no member can vote, except by consent of the Senate, in any case where he was

not present when his name was called, unless he was absent on leave and even then he must vote before the result is announced.

Reconsideration.— Ordinarily when a deliberative body expresses its will by a vote, that action is final; but in modern legislatures so great is the volume of business discharged that very often a step is taken before the body is really ready to proceed. As a result of this situation it is common to find a large use of the motion to reconsider.

Both branches of the General Assembly of Iowa have special rules regulating the use of the motion to reconsider, which is used in various ways. Indeed, any vote may be reconsidered, but there are two very common practices in Iowa. One is the reconsideration of the vote by which a bill passed or failed to pass the house, the other is to reconsider the vote by which a bill passed to its third reading. So rapid is legislative procedure that frequently a bill is given its third reading before a member discovers that it should be amended, or the effect of an adopted amendment is not understood until the bill has been given a third reading. At this stage it is impossible to propose the needed amendment or strike out the undesirable amendment. Unless something is done, the bill will be put upon its passage in that form. But by moving a reconsideration of the vote by which the bill

passed to its third reading it is possible to get the bill back in the same stage as it was before, and the correction can then be made. If it is the desire of a member, after he gets a bill back into the stage of consideration, to strike out an amendment which has been adopted he must next move a reconsideration of the vote by which the amendment was adopted.

The same situation exists when the bill has been placed upon its passage. That is to say, when the motion to reconsider the vote by which a bill passed or failed to pass the house has been adopted, it is necessary then to move another reconsideration in order to get the bill in a stage of procedure at which it can be considered. For instance, after a vote of passage is reconsidered and the bill is again before the house it is in the stage of procedure just preceding the stage of passage, that is, it is in the same position as bills which have been given their third reading. At this stage, as has already been noticed, the only action that can be taken in reference to the bill is to put it upon its passage; but the object of the reconsideration is to get it before the assembly at a stage where some action can be taken, so it is necessary to move that the vote by which the bill passed to its third reading also be reconsidered. If this carries, then new amendments can be added, or the bill recommitted, or indefinitely postponed, or any action that the

body sees fit may be resorted to, just as if the bill had never gone beyond that stage of procedure.

According to the House rule, when any proposition has been carried or lost it is in order "for any member of the majority", that is, any one on the prevailing side, on the same day or the next following to move for a reconsideration. This motion takes precedence of all other business except the consideration of a conference report, a motion to fix the day to which the house shall adjourn, to adjourn, or to take a recess. After the motion is made it can not be withdrawn without consent except before the expiration of the time in which it can be made. After it is once made any member may call it up for consideration at the proper time. When the motion to reconsider is made during the last six days of the session it must be disposed of at once and can not lie over. In order that a motion to reconsider a vote by which a bill passed or failed to pass the House may be adopted it must receive a constitutional majority, that is, more than half of the duly elected members. Thus in the House when a motion to reconsider a vote by which a bill passed, or failed to pass, or was indefinitely postponed, is put, the vote is always taken by yeas and nays. Bills which are indefinitely postponed are by a special rule of the House given the same status as bills which failed to pass. All other motions to reconsider require but a simple majority

of those voting — such as motions to reconsider the vote by which the previous question was ordered or an amendment adopted or a bill passed to its third reading.

In the Senate the rule in regard to the motion to reconsider is not so complicated. The rule reads: "When a motion or question has been decided, any member having voted on the prevailing side may move a reconsideration on the same or next legislative day. If any motion to reconsider a bill or joint resolution is made within three days of the day fixed for final adjournment, it shall be acted upon on the day the motion is made or the same shall be considered withdrawn." No votes are taken by yeas and nays, a simple majority being sufficient in every case. In practice both in the Senate and the House motions to reconsider are often filed instead of being offered from the floor. The purpose of filing a motion to reconsider is to record it within the time prescribed so that it can be called up at a later date, after the matter can be canvassed with certain members or when members who were absent may be present.

Filed motions to reconsider are of course in writing, and they are sometimes signed by more than one member: for example, in the Senate of the Thirty-sixth General Assembly there was one motion filed to reconsider a vote which was signed by twenty-seven members. In the House motions to re-

consider are frequently seconded. Often in these cases the motion is seconded by more than one member. In practice it appears that about as many motions to reconsider are filed as are made from the floor. If the action has just been taken and it is thought desirable to have an immediate reconsideration the motion is usually made from the floor, but if it is thought more expedient to have a reconsideration at a later date then the motion is usually filed. After it is filed it can be called up at any convenient time. One important point to be remembered, however, is that a motion to reconsider must always be made by some one who voted on the prevailing side.

One further practice in connection with the motion to reconsider must be noticed. So common is the motion to reconsider that friends of a bill are not certain even after a bill has passed that the action is final. In order to avoid the possibilities of a motion to reconsider, it is the practice to make the motion and move to lay the motion to reconsider on the table. This practically disposes of the matter, especially in the Senate where a two-thirds vote is necessary to take a motion from the table. In practice motions and matters are seldom taken from the table after being thus disposed of.

Special Orders.—By the use of special orders the regular procedure for the day may be altered.

Thus it frequently happens that when a bill comes up for consideration the house wishes to defer action for the time being, or after some consideration it wishes to continue the consideration of a bill. It is then the practice to make a special order of the bill by setting the day and hour for resuming or taking up consideration. When that time arrives, the matter is taken up at once irrespective of what may be before the house, unless another special order is made of the same bill. When the special order is disposed of the business that was before the house at the time of the interruption by the special order is taken up and the regular order of business is continued as if there had been no interruption.

It is not unusual for the house to be so absorbed in some other measure at the time set for a special order that it does not care to consider the special order at that moment and so action is deferred until some other time, which is specified in the motion deferring action. In this way a special order may be carried over for several times.

Calendar.—In connection with special orders of business the calendar must also be considered. As has already been pointed out, the calendar is a list of bills and joint resolutions which are ready for the consideration of the house. Each bill is given a calendar number at the time it is placed on

the calendar. Thus, bills are numbered consecutively on the calendar and are often referred to by their calendar number as well as by their file number in the originating house. The calendar also contains a list of the special orders that have been made. Bills are usually placed upon the calendar after the adoption of some more or less favorable recommendation by a committee; but there are other ways in which bills may be placed upon the calendar.

Bills are sometimes placed upon the calendar by unanimous consent or motion after the committee has recommended indefinite postponement without any action being taken upon the report of the committee, or upon motion after the reconsideration of the vote to indefinitely postpone, or upon being recalled from the committee, or upon the recommendation of the committee itself. So, also, when a bill passes or fails to pass and a motion to reconsider is adopted, the bill may again be placed on the calendar. Occasionally when there is some reason for not considering it at the time set a bill is continued on the calendar in its place or placed at the foot of the calendar.

Journals.—The Constitution of the State requires each branch of the General Assembly to keep a journal of its proceedings; and it has been decided by the courts that a constitutional requirement

that each house of a legislature keep a journal of its proceedings means that the journal should show all the proceedings in each house and all the steps taken in the passage of every bill. Moreover, where the Constitution expressly requires an entry of a record, like the yeas and nays on a bill, a failure to comply with this requirement would necessarily invalidate the act. But unless the Constitution specifically requires the journal to affirmatively show some action, the fact that the journal does not show the required step of procedure will not be proof that the step was not taken. Everything is in favor of the validity of an act.

In Iowa the chief clerk in the House and the secretary in the Senate are charged with seeing that the journal of each day's proceedings is correctly and fully kept and made up and a copy given to the State printer in time for printing before the next day's session. These officers are also charged with the custody and safe-keeping of the corrected journal during the session. After the session the authenticated printed journal of each house is filed with the Secretary of State. In both branches of the legislature the journal is really kept and made up by a journal clerk under the supervision of the chief clerk, or secretary as the case may be.

The journal of the preceding day is printed at night and placed upon the desks of the members

the next morning. In the House the journal is corrected as the first order of business in the morning; in the Senate the journal is corrected at the pleasure of the Senate. In both houses after the journal is corrected it is returned to the State printer and the corresponding corrections are made by him. The recording officers of each house also make the same corrections in the written journal, although a corrected printed journal is preserved as the official journal. The type and forms used by the State printer in printing the journals are prescribed by law. In both branches of the legislature the printed journal, as has been pointed out, is used as an agency for getting amendments printed in order that they may be viewed in that form in connection with the printed bill. In 1915 the General Assembly also provided for the general distribution of the daily journals at a subscription rate of one dollar for either the Senate or House journal for each session.

Suspension of the Rules.—No practice of parliamentary procedure is perhaps more important in law-making than the suspension of the rules. Although the practice of suspending the rules has been referred to in an earlier section of this paper, it needs special attention at this point. Rules are suspended for the purpose of facilitating the passage of bills. Thus a bill in its passage goes through several different stages, some of which are

often omitted by suspending the rules. For example, bills are seldom engrossed, but the rules are suspended and they are considered engrossed. Likewise, a bill may not be given a third reading; but the rules being suspended, a reading given for information is considered a third reading. Another rule frequently suspended is the rule which prohibits a second and third reading on the same day: in fact any rule can be suspended in either house by a two-thirds vote of the members present. This is not only true of the so-called standing rules but of all rules—the rules adopted for a particular session as well as the rules of common parliamentary law in so far as they relate to legislative procedure.

Unanimous Consent.—In addition to suspending the rules, another method of accomplishing the same result is by obtaining unanimous consent. It is more difficult to obtain unanimous consent than to obtain a suspension of the rules because it requires the consent of every one present, while the motion to suspend requires only a two-thirds vote. Anything can be done if unanimous consent is granted, irrespective of special rules or common parliamentary law. This must necessarily be true when “the great purpose of all rules and forms, is to subserve the will of the assembly rather than to restrain it; to facilitate, and not to obstruct, the expression of their deliberative sense.”

IV

SUMMARY OF THE STAGES OF PROCEDURE THROUGH WHICH A BILL MAY PASS IN THE GENERAL ASSEMBLY OF IOWA

IN the preceding pages of this discussion an attempt has been made to trace the steps through which a bill may pass in order to become a law, and to discuss briefly some matters which though not a part of the regular stages in the passage of a bill are closely related to them. Since that discussion often led to the analysis of constitutional and statutory provisions as well as regulations of the legislature and rules of common parliamentary law, it seems proper for the sake of clearness and convenience to summarize the stages of procedure through which a bill may pass in the General Assembly of Iowa.

Introduction.—A bill may be introduced in either branch of the legislature by a member, by a committee, or from the opposite house by message. In either case it is presented from the floor of the house by the member introducing it or in charge of it, or by the officer delivering the message. After it is introduced it remains in the actual or constructive custody of the chief recording officer as long as the house has it under consideration.

First and Second Reading.—After a bill is intro-

duced it is given its first reading. This is usually done in a very superficial manner by the reading clerk, and generally consists of a reading by title. If there is no objection to the bill at this point it is given its second reading, which in practice amounts to the reading of the title over again.

Commitment.—Following its first and second reading a bill is usually referred to the appropriate standing committee by the presiding officer as a matter of course and without question, although the house may order it referred to a certain standing committee or to a special committee; or the house may order the bill considered in committee of the whole. In practice, however, select committees and committees of the whole are seldom used. A bill originating in a committee is not always committed, but is often allowed to pass to the next stage of procedure.

Delivery to the Committee.—When a bill has been referred to some committee it is delivered to the committee chairman by the recording officer of the house. The chairman gives the house officer a receipt for the bill, so that it remains in his constructive custody although not in his actual possession.

Consideration in Committee.—After a bill has been delivered to a committee it is in the hands of that committee for consideration, and upon the completion of such consideration the committee

embodies the result of its deliberations in a report. Under the order of business known as "reports of committees" the chairman of the committee presents the report from the floor of the house.

Consideration of the Committee Report.—Following the report of a committee the house is at liberty to act at once by either adopting or rejecting the report, or it may pass the report on file, that is, lay it over for the time being without consideration. In cases where the committee reports indefinite postponement, it is customary to act upon the report at once and in most instances such a report is adopted without question. Ultimately every committee report is disposed of by being either directly or indirectly adopted or rejected.

Placed on the Calendar.—If the committee makes a favorable report of some kind and the report is adopted the recording officer of the house places the bill on the calendar, that is, on the list of bills which are ready for the consideration of the house. When a bill is placed on the calendar it is given a calendar number which determines the order of its consideration when the house is considering bills on the calendar.

Consideration on the Floor.—When a bill is reached on the calendar it is taken up and considered by the house, unless some action is taken concerning the bill which defers consideration for the

time being. If amendments have been reported by the committee to which it was referred, these amendments are first considered and disposed of. After the consideration of committee amendments, members of the house are at liberty to propose amendments from the floor of the house. At any time during this stage of procedure members may engage in debate upon the proposed amendments or upon the merits of the bill, subject of course to the regulations of the house and the rules of common parliamentary law.

Engrossment and Third Reading.— After a bill has been considered on the floor of the house and put in the form desired by the adoption of either committee amendments or those offered by members, it is ready to be engrossed, that is, to have the changes made during the consideration on the floor of the house actually incorporated into the bill. In practice these changes are made by the recording officers in each branch of the legislature, actual engrossment being seldom ordered. Thus engrossment and third reading are now merged into one step. When this stage is reached it is now customary to make the motion that “the rules be suspended and the bill be considered engrossed and read a third time”. If this motion should be decided in the negative it would be necessary to order the bill engrossed and wait for the committee on engrossed bills to report. After engrossment has

been dispensed with or the bill has been properly engrossed it is ready for its third reading. Legislators have interpreted a third reading to be a reading in full, so the bill is given a reading in full, although many sections are frequently omitted in the "full" reading.

Passage.—When a bill has been put in proper form and read a third time the vote upon its final passage is immediately taken without debate. The presiding officer puts the question without waiting for a motion to be made from the floor of the house. By the Constitution of the State a majority of all the members elected to the house is necessary for the passage of a bill. The vote is taken by yeas and nays and is recorded in the journal of the house. If a bill passes, its title is then agreed to. At this time the title may be amended or changed in any manner necessary to make it comply with the constitutional requirement that the subject of every act shall be expressed in the title.

Authentication and Transmission to the Other House.—After a bill has been declared to have passed the house, the recording officer signs it and endorses the date of passage upon it. The bill is then transmitted to the other branch of the legislature, together with a message from the originating house informing the other branch of the passage of the bill and asking its concurrence in the action taken.

Action in the Other House.—When a bill is received by message from the other house it is dealt with in the same manner as if the bill had originated in the receiving house. If it is successful in running the gauntlet of legislative procedure without change or alteration in the receiving house it will in time pass through all the stages to which it was subjected in the original house, namely: first and second reading, commitment, delivery to committee, consideration in committee, consideration of committee report, placing on calendar, consideration on the floor, engrossment and third reading, passage and authentication, and transmission by message to the originating house. If, however, a bill is rejected or defeated in the receiving house the originating house is merely notified of the action by message, and the bill is not returned to the originating house.

Return to the Originating House Without Amendments.—When the receiving house returns a bill to the originating house without amendments the bill does not come before the house again, but remains in the custody of the recording officer until it is enrolled by the enrolling clerk and presented to the presiding officers for their signatures.


Return to the Originating House with Amendments.—A bill returned by message to the originating house with amendments goes to the presiding officer's table, where it remains until it is

taken up under the proper order of business. The proposed amendments may be first considered by a committee, or the house may act directly upon them. When the house does act it considers each amendment separately, and it may concur, concur with an amendment, or refuse to concur. If the originating house concurs in all the amendments without any changes, the proceedings between the two houses on the bill are at an end and the bill passes to the next stage of procedure. But if the originating house refuses to concur in any one of the amendments, or concurs in one or more with an amendment, then the bill is returned by message to the house making the original amendment.

Return to the Amending House without Amendments.—When a bill is returned by message to the amending house without the concurrence of the originating house in all of the amendments previously adopted by the amending house, it goes to the presiding officer's table, where the bill remains until it is taken up under the proper order of business. The amending house may then either insist or recede from any or all of its amendments which have not been concurred in by the other house. If it recedes from all of the amendments to which the other house has not agreed, the proceedings between the two houses are at an end; but if it insists on one or more of these amendments a conference is necessary.

Return to the Amending House with Amendments.— Upon the return of a bill by message to the amending house with a conditional concurrence of the originating house, that is, with amendments to one or more of the amendments adopted by the amending house, the bill goes to the presiding officer's table, where it remains until it is taken up under the proper order of business. The amending house may then either concur, or refuse to concur in any one of the amendments made to the amendments already adopted by it. If it concurs in all of the amendments made to its own amendments the proceedings are at an end; but if it refuses to concur in any of the amendments to its own amendments the bill must be returned to the originating house to give that body an opportunity to recede from its amendments to the amendments of the amending house. When a bill is so returned to the originating house and it refuses to recede from any of its amendments not agreed to by the amending house, a conference is necessary. It appears that in the last seven sessions of the General Assembly no bills have been returned to the amending house with an amendment.

Settlement of Differences by Conference.— When an amending house insists upon its amendments, or in other words when the two branches of the legislature can not reach an agreement by the adoption and rejection of amendments, then the bill is re-



turned by message to the house refusing to concur, announcing that the house insists upon its action and that a conference committee of four has been appointed. When this message is taken up for consideration by the house refusing to concur it also appoints a conference committee of four. If the joint conference committee reaches an agreement its report may be either adopted or rejected. When it is adopted the bill is passed in conformity thereto, and the proceedings between the houses are at an end. Upon the rejection of a conference committee report by one or both of the houses or upon the disagreement of the conference committee, a new conference may be held at the pleasure of the houses. A second conference, however, is rare. A disagreement of a conference committee or the rejection of the report of a conference committee usually means the defeat of the bill.

Enrollment.—After a bill has passed both branches of the legislature it is ready to be enrolled, that is, copied on parchment. This is done by the enrolling clerk of the originating house. At this time all of the amendments which have been made to the bill in the proceedings between the two houses are incorporated, and the caption "A Bill" is left off, so that the title reads "An Act". When a bill has been duly enrolled it is signed by the recording officer of the originating house which is in itself an authentication of the true origin of the bill.

Examination by the Committees on Enrolled Bills.—Following the enrollment of a bill it is examined by the joint committee on enrolled bills and also by the committee on enrolled bills of the originating house. The purpose of this examination is to see that the bill is properly enrolled before it is signed. The joint committee on enrolled bills reports the result of its examination to both branches of the legislature, while the committee on enrolled bills of the originating house reports only to that house of the legislature. The chairman of each branch of the committee signs a certificate on behalf of the joint committee to the effect that the bill was found correctly enrolled. This certificate is affixed to the bill.

Signing by the Speaker and President of the Senate.—After examination by the committees on enrolled bills the bill is laid before the speaker and signed in the presence of the House, whether it be a House or Senate bill. It is then laid before the president of the Senate and signed in the presence of the Senate. The signatures of the presiding officers of the two houses of the legislature constitute the legal authentication of the legislative action as expressed in the bill.

Transmission to the Governor.—After the bills are signed by the presiding officers, the chairmen of the committees on enrolled bills present the bills of their respective houses to the Governor. A re-

port of the House and Senate bills presented to the Governor is made to the respective houses and entered upon their journals.

Executive Confirmation or Veto.— When a bill is presented to the Governor any time before the last three days previous to adjournment the Constitution gives him a period of three days in which to approve or disapprove the bill. If the Governor approves a bill he does so by signing the enrolled bill and placing the date of his approval upon it. Then he notifies the originating house by message of his action. When he disapproves a bill he returns it to the house of its origin with a veto message stating his objections to it. If a bill is presented to the Governor during the last three days of the session the Governor has thirty days in which to file the bill along with his approval or objections with the Secretary of State.

Action upon the Governor's Message.— Upon receipt of a message from the Governor stating that he has approved or disapproved of a bill the communication is entered upon the journal of the originating house. If the communication is a veto message it is ordered read and spread in full upon the record. The house may then consider the bill, refer it to a committee, or defer action to some future time. The vote on passing a bill to which the Governor has objected must be adopted by a two-thirds vote of all the members elected to the

house. If the bill fails to pass the originating house, proceedings are at an end; but if it passes by the required majority it is transmitted to the other house and there considered.

Filing with the Secretary of State.— After a bill is approved by the Governor, or is retained by him longer than three days while the legislature is still in session, or is passed over the Governor's veto, it becomes a law and is filed with the Secretary of State for safekeeping. The enrolled bill constitutes the legal proof of what the legislative action was in a particular case.

STANDING RULES
OF THE
THIRTY-SEVENTH GENERAL ASSEMBLY

Compiled by
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CHIEF CLERK OF THE HOUSE

SENATE COMMITTEE ON RULES

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D. C. CHASE

A. V. PROUDFOOT

NICHOLAS J. SCHREP

HOUSE COMMITTEE ON RULES

S. W. KLAUS, *Ch.*

T. F. GRIFFIN

R. J. JOHNSTON

ARCH W. MCFARLANE

CHAS. A. HALL

JOHN W. ROWLEY

P. J. KLINKER

D. W. KIMBERLY

RULES OF THE SENATE

RULE 1

REGULAR ORDER OF BUSINESS

THE following order shall govern:

- (1) Presentations of petitions and memorials, addressed to the senate or the general assembly.
- (2) Introduction of bills.
- (3) Resolutions.
- (4) Communications on the president's table, including house messages.
- (5) Reports of standing committees, in order in which they stand in the rules, except the committee on engrossed and enrolled bills, rules and printing.
- (6) Reports of select committees.
- (7) Unfinished business before the senate.
- (8) Third reading of bills.
- (9) General order of the day.

RULE 2

DUTIES OF THE PRESIDENT

The president shall take the chair at the hour to which the senate is adjourned and call the senate to order; and, if a quorum be present, he shall proceed with the regular order of daily business,

unless otherwise ordered by the senate, or unless a special order for the day shall interfere therewith. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the senate. He shall appoint all committees, unless otherwise especially ordered. Immediately preceding the adjournment of each morning session, or, in case it cannot be done during that session, then as soon after the convening of the next following session as he may find most convenient, the president shall call for corrections of the journal of the last day's proceedings. He shall then cause any mistakes therein to be corrected by the secretary, and the journal shall then be approved.

RULE 3

THE PRESIDENT PRO TEMPORE

The senate shall, at its pleasure, elect a president pro tem, who shall hold his office during the remaining portion of the time for which the president was elected; and when the president shall, from any cause, be absent, the president pro tem shall preside, except when the chair is filled by appointment by the president.

RULE 4

MESSENGERS

There shall be appointed by the lieutenant governor, at each session of the senate, to hold their

positions during such session, but subject to be discharged by the president of the senate for inefficiency or misbehavior, or other reasons, in his judgment justifying such discharge, six messengers for the senate. And the president may appoint other messengers in the place of any discharged.

RULE 5

CALL OF THE SENATE

One-fourth of the members may have a call of the senate, and absent members sent for and their attendance enforced.

RULE 6

DEBATE AND DECORUM

When a member is about to speak, in debate, or deliver any matter to the senate, he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question under debate, avoid personalities and the imputation of improper motives.

RULE 7

MANNER OF VOTING

When the vote is taken viva voce, questions shall be distinctly put in this form: viz.: "As many as are of the opinion (as the case may be) say 'aye.'" And after the affirmative voice is expressed: "As

many as are of the contrary opinion say 'No.''' If the president doubt, or a division be called for, the senate shall divide — those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

RULE 8

DUTY AND RIGHT OF VOTING

Every member present when a question is put shall vote, unless he shall, for special cause, be excused by a vote of the senate; but no member shall vote on any question in the event of which he is directly and personally interested, or except by consent of the senate, in any case where he was not present when his name was called in the taking of the vote. Provided, that any member who was absent by leave of the senate may vote at any time before the result is announced.

RULE 9

FORM AND WITHDRAWAL OF MOTIONS

All motions (except to adjourn, postpone, or commit) shall be reduced to writing, if required by any member of the senate. Any motion or resolution may be withdrawn by the mover, provided the same has not been amended by the senate, and that no amendment is pending thereto.

RULE 10

ORDER AND PRECEDENCE OF MOTIONS

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting clause of a bill shall have the precedence of a motion to amend; and, if carried, shall be considered equivalent to the rejection of the bill.

RULE 11

MOTIONS NOT DEBATABLE

A motion to adjourn, to lay on the table, and for the previous question, shall be decided without debate, and all incidental questions of order arising after the motion is made for the previous question, and pending such motion, shall be decided — whether an appeal or otherwise — without debate.

RULE 12

THE PREVIOUS QUESTION

The previous question shall be in this form: "Shall the main question be now put?" It shall

only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the senate to a direct vote upon the pending amendments and then upon the main question, unless otherwise indicated by the motion and ordered by the senate, except that the member in charge of the measure under consideration shall have ten minutes in which to close the discussion, immediately before the vote is taken upon the main question. If the previous question is decided in the negative, the senate shall proceed with the matter before it, the same as though the previous question had not been moved.

RULE 13

DIVISION OF THE QUESTION

Any member may call for a division of a question which shall be divided, if it comprehends propositions in substance so distinct that one being taken away, substantive propositions shall remain for the decision of the senate. A motion to strike out and insert shall be deemed indivisible; but, a motion to strike out being lost, shall preclude neither amendments to the matter attempted to be stricken out, nor a motion to strike out and insert.

RULE 14

RECONSIDERATION

When a motion or question has been decided, any member having voted on the prevailing side may move a reconsideration, on the same or next legislative day.

RULE 15

CONCERNING THE PRINTING OF PAPERS

A motion to print any paper presented to the senate may, on motion, be referred to the committee on printing, whose duty it shall be to report, at the earliest time practicable, on the propriety of printing.

RULE 16

INTRODUCTION, READINGS, AND FORM OF BILLS AND JOINT RESOLUTIONS

Every bill shall be introduced on the report of a committee, or by leave, and shall at once be given its first reading. Every bill and joint resolution shall have received three several readings previous to its passage; but no bill or joint resolution shall have its second and third readings on the same day, without a suspension of this rule; and every bill and joint resolution shall express in its title the object thereof. All rules of the senate applicable to bills shall apply with equal force to joint resolutions. Each bill and proposed joint resolu-

tion, when introduced, shall be typewritten double-space, and accompanied by two copies thereof.

RULE 17

ENDORSEMENT AND PRESENTATION OF PETITIONS, BILLS, AND JOINT RESOLUTIONS

Before the same is presented, there shall be endorsed on each petition a brief statement of the subject matter thereof, and on each bill and joint resolution the title thereof, and in either case the name of the senator presenting the same. In presenting a petition, the senator shall briefly state from his place in the senate chamber the subject matter to which the petition relates.

RULE 18

FIRST READING AND RECEPTION OR REJECTION OF BILLS AND JOINT RESOLUTIONS

The first reading of a bill or joint resolution shall be for information, and, if objection be made to it, the question shall be: "Shall the bill (or joint resolution, as the case may be) be rejected?" If no objection be made, or the question to reject be lost, the bill or joint resolution shall go to its second reading without further questioning.

RULE 19

SECOND READING AND COMMITMENT

Upon the second reading of a bill or joint resolu-

tion, the president shall refer the bill to an appropriate standing committee, unless otherwise ordered by the senate. If ordered by the senate to be considered by the committee of the whole, the senate shall fix the day for its consideration. If the bill or joint resolution be ordered to be engrossed, it shall be in order for its third reading any session after that day. No bill or joint resolution shall be committed or amended until it shall have been twice read.

RULE 20a

COMMITMENT OF APPROPRIATION BILLS

All bills carrying appropriations or involving the expenditure of state funds shall be referred to the committee on appropriations, which the committee shall report back to the senate not later than the first Monday after March 1st. After the third legislative day prior to said Monday, house bills shall be reported back by said committee within three days from the reference thereto

No amendment to any bill reported by the committee on appropriations, or to any item thereof, shall be in order, except such as is germane to the subject matter of the bill, or item thereof, sought to be amended, and shall retrench expenditures and reduce the amounts of money covered by the bill or items thereof.

RULE 20b**TIME OF INTRODUCTION OF BILLS**

No bill shall be introduced in the senate after March 15th, except such bills as may be reported from standing committees as committee bills.

RULE 20c**SCHEDULE AND CONSIDERATION OF APPROPRIATION
BILLS**

On or before the first Monday after March 10th, the committee on appropriations shall prepare an itemized schedule of all appropriations recommended by the committee on appropriations, and have the same printed and laid upon the desks of members, and no appropriation bill shall be taken up for consideration and passage until the third legislative day thereafter.

RULE 20d**TIME OF INTRODUCTION OF APPROPRIATION BILLS**

Bills carrying appropriations for the state educational institutions and the institutions under the charge of the board of control shall not be introduced later than February 15th, and no bill carrying an appropriation for any purpose shall be introduced after March 1st, except by the committee on appropriations.

RULE 21

THIRD READING AND PASSAGE OF BILLS

When a question is lost on engrossing a bill, or joint resolution for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. After a third reading of a bill or a joint resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present; and the vote on its final passage shall be immediately taken without debate.

RULE 22

COMMITMENT OF BILLS

A bill or joint resolution may be committed at any time previous to its third reading.

RULE 23

THE FILLING OF BLANKS

In filling blanks, the largest sum and longest time shall be first put.

RULE 24

HOUSE AMENDMENTS

On the return of a bill or joint resolution from the house, with an amendment, it shall be placed with the third reading of bills, unless the senate shall otherwise order. On the question of adopt-

the question of the discharge of such clerk upon any of the grounds above specified.

RULE 30

DUTIES OF COMMITTEE CLERKS

Clerks of senate committees, when not engaged in duties pertaining to such committees, or work assigned them by the committee chairman, shall be subject to the discretion of the secretary of the senate for any labor connected with the duties of his position or his assistants. The secretary shall, from time to time, make detail from said clerks to assist in preparing copy or correcting proof for the daily journal.

RULE 31

FORM OF COMMITTEE REPORTS

All reports of committees on bills or resolutions shall be made in duplicate and be accompanied with the original bill or resolution to which the report relates. Provided, that this rule shall not apply to the reports of committees on enrolled and engrossed bills.

RULE 31a

TIME OF MAKING COMMITTEE REPORTS

The chairman or clerk of a committee, except of the appropriation committee, to whom a bill is referred, shall note thereon the date of its refer-

ence, and it shall be the duty of each committee to report back all bills in its hands, within fifteen days after the order of reference, unless a different time is granted by a vote of the senate.

RULE 32

VOTING IN COMMITTEE

When a vote is taken in any committee upon any bill or resolution before it, or any motion relating to the merits thereof, the chairman shall see that no person is present except the members and clerk of said committee, unless otherwise ordered by the committee.

RULE 33

SMOKING

Smoking in the senate chamber is hereby prohibited, while the senate is in session. And any officer or employe who shall indulge in smoking while on duty in the senate chamber or doorways leading thereto shall thereby subject himself to liability of discharge.

RULE 34

ADMISSION TO SENATE CHAMBER AND PROHIBITION OF LOBBYING

Admission to the floor of the senate chamber shall be granted by the doorkeeper to the governor and his private secretary, members of the house of

representatives, the state officers and their deputies, judges of the several courts, ex-members of the legislature, ex-state officers, and the regular reporters of the senate and clerks of committees. No persons, except those herein specified, shall be admitted, except upon special permission of the president of the senate, or of a member of the senate. And no person shall be permitted, by members or otherwise, to come upon the floor of the senate or into the cloak rooms to solicit or influence senators in their official action, or to sell any article or to solicit subscriptions. No officer, or employe elected or appointed by the senate or any of its committees, shall solicit or endeavor to influence members of the legislature in their official action. Any person violating this rule shall be summarily dismissed by the senate.

RULE 35

CLEARING OF LOBBY AND GALLERY

In case of disturbance or disorderly conduct in the lobby or gallery, the presiding officer shall have the power to order the same cleared.

RULE 36

EXECUTIVE SESSION

Before acting on executive business, the senate chamber shall be cleared, by direction of the president, of all persons except members, the secretary,

the sergeant-at-arms, members enjoined and the secretary and sergeant-at-arms sworn to observe secrecy.

RULE 37

ANNOUNCEMENT OF COMMITTEE MEETINGS

When an adjournment has been ordered by a vote of the senate and before adjournment is declared by the president of the senate, it shall be in order for the chairman of the several committees to announce in open senate the time and place of meeting of their respective committees.

RULE 38

SUSPENSION OF THE RULES AND TAKING FROM TABLE

No standing rule or order of the senate shall be rescinded or suspended, nor shall any matter, tabled upon motion, be taken up, unless by a vote of two-thirds of the members present, except an order fixing the hour to which the senate shall stand adjourned.

RULE 39

CONSIDERATION OF RESOLUTIONS

Resolutions, including concurrent resolutions, shall not be acted upon by the senate upon the day the same are introduced or received by the senate, but shall lie upon the table for one legislative day if any member object to the immediate considera-

tion thereof. But if no member object, the same may have immediate consideration. Nothing in this rule shall abridge or prevent the usual right to reference to committee.

RULE 40

RULES OF PARLIAMENTARY PRACTICE

The rules of parliamentary practice comprised in Cushing's Manual shall govern the senate in all cases to which they are applicable; and in which they are not inconsistent with the standing rules or orders of the senate, and joint rules of the senate and house of representatives.

RULE 41

TIME OF CONVENING

The hours to which the senate shall stand adjourned from day to day shall be 9 o'clock a. m. and 2 o'clock p. m., unless otherwise ordered by the senate.

RULE 42

DUTIES OF OFFICERS AND EMPLOYEES

The duties of the officers and employes of the senate are as stated in the paragraph relating thereto, and appended to these rules.

Secretary.—The secretary of the senate shall have charge of the secretary's desk, and shall see that no one is permitted therein except himself and

those assisting him. He shall be responsible for the custody and safe-keeping of all bills, resolutions and other matters laid before or introduced into the senate, except while the same are in the possession of the committee to whom the same shall have been referred, and when delivering the same to said committee he shall take a proper receipt therefor. He shall see that the journal of each day's proceedings is correctly and fully kept, and fully made up before the next day's session, and be responsible for its safe-keeping. He shall have control of Room 25, which is assigned to said secretary for the use of himself and his assistants. He shall endorse on every bill or joint or concurrent resolution the date of its introduction; and by what senator, or of its receipt from the house, and also what action relating thereto is taken by the senate. The assistant secretaries shall be under his direction and he shall assign to them their several duties in connection with the duties of the secretary's desk.

Sergeant-at-Arms, File Clerk, and Bill Clerk.—

The sergeant-at-arms shall wear the appropriate badge of his office; shall attend the senate during its sessions; shall aid in the enforcement of order under the direction of the president of the senate; shall execute the commands of the senate from time to time, together with such process, issued by the authority thereof, as shall be directed to him

by the presiding officers; shall see that the rule prohibiting smoking in the senate chamber is strictly enforced; shall, upon the request of any five members, have the senate chamber lighted up during any evening within the session, except Sunday, to an hour not later than 10 p. m.; shall see that no person, except one authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereof; shall see that the printed bills and daily journals are, at the earliest practicable period, properly distributed and filed upon the desks of senators; shall have charge of the files in the senate room, and shall see that no copy of a bill is given out except to or upon the order of the president, a senator, or state officers; shall see that an additional doorkeeper is detailed for duty at the senate chamber upon each day within the session, except Sunday, from 8:30 a. m. to 10 p. m., but should not five members of the senate desire to occupy the chamber to that hour, the detail may be relieved at 9 p. m.; shall have charge of the messengers of the senate and see that they severally perform their duties, and shall promptly report to the president of the senate any inefficiency or violations of duty on the part of said messengers. He shall direct the file clerk, and bill clerk, if any employed, in the discharge of their duties.

Doorkeeper.—The doorkeeper of the senate

shall wear his appropriate badge of office; shall have special charge of the main door of the chamber during the sittings of the senate, and shall see that the other doors of the senate are properly attended to; shall have general charge and oversight of the additional doorkeepers of the senate; shall detail such of the additional doorkeepers for such general or special duties as the sergeant-at-arms may deem proper and necessary for the efficiency of the senate and the protection of property within the chamber; shall see that the rule relating to the admission to the floor of the chamber is strictly enforced; shall, ten minutes before the opening of each session of the senate, see that the floor is cleared of all persons not entitled to occupy the same during the session; shall attend to seating visitors, and shall announce all committees and messengers from the governor or house.

Janitor.—The janitor of the senate shall have charge, under the direction of the sergeant-at-arms, of the cloak and retiring rooms adjoining the chamber, and shall see that the same are kept in proper order.

Messengers.—The messengers of the senate shall attend the senate during its sittings and perform the duties generally devolving on like employes. While the senate is sitting, two of their number shall be detailed for service in front of the secretary's desk. The messengers shall be under the

direction of the sergeant-at-arms, while the senate is not sitting, and shall attend to such duties as he may assign them.

At least four messengers shall be on duty in the senate chamber upon every day of the session, except Sundays, from 8:30 a. m. until 6 p. m., whether the senate is in session or not.

RULES OF THE HOUSE

RULE 1

CALL TO ORDER

HE [the speaker] shall take the chair every day precisely at the hour to which the house shall have adjourned; shall immediately call the members to order, and on appearance of a quorum shall cause the journal of the preceding day to be read.

RULE 2

PRESERVATION OF ORDER

He [the speaker] shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and he shall decide questions of order, subject to an appeal to the house by any two members.

RULE 3

DECORUM IN PUTTING QUESTIONS

He [the speaker] shall rise to put a question but may state it sitting.

RULE 4

PUTTING THE QUESTION

Questions shall be distinctly put in this form, to-wit: "As many as are of the opinion that (as the

question may be) say 'aye'"; and after the affirmative voice is expressed, "As many as are of a contrary opinion, say 'no.'". If the speaker doubts, or a division is called for, the house shall be divided. Those in the affirmative of the question shall first rise from their seats, and afterward those in the negative.

RULE 5

THE SPEAKER PRO TEMPORE

The house shall at its pleasure elect a speaker pro tempore. When the speaker shall from any cause be absent, the speaker pro tempore shall preside, except when the chair is filled by appointment by either the speaker or the speaker pro tempore. The speaker or the speaker pro tempore shall have the right to name any member to perform the duties of speaker, but such substitution shall not extend beyond an adjournment. The acts of the speaker pro tempore shall have the same validity as those of the speaker. In the absence of both the speaker and the speaker pro tempore, the house shall name a speaker who shall preside over it and perform all the duties of speaker until such time as the speaker or speaker pro tempore shall be present, and his acts shall have the same force and validity as those of the regularly elected speaker.

RULE 6

APPOINTMENT OF COMMITTEES

All committees shall be appointed by the speaker, unless otherwise especially directed by the house.

RULE 7

VOTE OF THE SPEAKER

In all cases of a call of the yeas and nays, the speaker shall vote; in other cases he shall not be required to vote unless the house is equally divided, or unless his vote, if given to the minority, will make the division equal, and in case of such equal division the question shall be lost.

RULE 8

DOCUMENTS SIGNED BY THE SPEAKER

All acts, addresses and joint resolutions shall be signed by the speaker, and all writs, warrants, subpoenas, issued by order of the house, shall be under his hand and attested by the clerk.

RULE 9

CLEARING OF THE LOBBY

In case of any disturbance or disorderly conduct in the lobby, the speaker or chairman of the committee of the whole house shall have power to have the same cleared.

RULE 10

REGULAR ORDER OF BUSINESS

After the journal is read the following order shall govern:

- (1) Business pending at last previous adjournment.
- (2) Petitions or remonstrances to be offered.
- (3) Reports of committees.
- (4) Resolutions laid over under rule 34.
- (5) Bills to be introduced.
- (6) Resolutions.
- (7) Messages and communications on the speaker's table.
- (8) Bills and resolutions read a second time.
- (9) Bills on their passage.
- (10) Reports in the possession of the house shall be taken up in their order.

RULE 11

RECOGNITION AND DECORUM IN DEBATE

When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat and respectfully address himself to the presiding officer by his title, saying "Mr. Speaker," and shall not proceed until he shall be recognized by the chair, and shall confine himself to the question under debate and shall avoid personalities.

RULE 12

CALLING TO ORDER AND APPEALS FROM THE CHAIR

When any member in speaking, or otherwise, transgresses the rules of the house, the speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, but may be permitted with leave of the house to explain; and the house shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member so called to order, he is at liberty to proceed. If the case requires it, he shall be liable to the censure of the house.

RULE 13

RECOGNITION BY THE CHAIR

Should two or more members rise at the same time, the speaker shall designate the member entitled to speak.

RULE 14

LIMITATION ON DEBATE

No member shall speak more than once on the same question without leave of the house, nor more than twice until every member choosing to speak shall have spoken, except as provided in section 26; provided further, when bills are being considered

on their second reading debate thereon shall be limited to fifteen minutes to each member desiring to speak thereon, which may be extended by consent of the house.

RULE 15

DECORUM DURING DEBATE

While the speaker is putting a question or addressing the house, no one shall walk out of or across the house; and when a member is speaking, no one shall engage in conversation or pass between him and the speaker.

RULE 16

LIMITATION ON RIGHT TO VOTE

No member shall vote on any question in the event of which he is personally interested.

RULE 17

COUNTING ON A DIVISION OF HOUSE

Upon a division and count of the house on any question, only those members standing in their places shall be counted.

RULE 18

DUTY OF VOTING

Every member who shall be in the house when the question is put shall give his vote, unless the house for special reasons shall excuse him; but

such a member must ask to be excused before commencing to take the vote on the main question.

RULE 19

STATING THE QUESTION

When a motion is made and seconded, it shall be stated by the speaker; or, being in writing, it shall be passed to the desk and read aloud by the clerk before debated.

RULE 20

FORM OF MOTIONS

Every motion, except subsidiary or incidental motions, shall be reduced to writing if the speaker or any member desires it, but this exception shall not apply to motions to amend.

RULE 21

ENDORSEMENT OF BILLS AND OTHER PAPERS

All bills, resolutions, petitions, memorials or other papers shall be accompanied by the name of the member presenting the same, and also the name of the county.

RULE 22

WITHDRAWAL OF MOTIONS

After a motion is stated by the speaker, or read by the clerk, it shall be deemed to be in possession

of the house, but may be withdrawn by leave of the house.

RULE 23

ORDER AND PRECEDENCE OF MOTIONS

When a question is under debate no motion shall be received but to adjourn; to lay on the table; for the previous question; to postpone to a certain day; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged, and no motion to postpone to a day certain, to commit or postpone indefinitely being decided, shall again be allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection.

RULE 24

ORDER ON QUESTION OF COMMITMENT

When a resolution shall be offered or a motion made to refer any subject, and different committees shall be proposed, question shall be taken in the following order: The committee of the whole house; a standing committee; a select committee.

RULE 25

MOTION TO ADJOURN

A motion to adjourn shall always be in order,

except when a member is speaking, or the house voting.

RULE 26

PREVIOUS QUESTION

The previous question shall always be put in this form: "Shall the main question be now put?" When a member moves a previous question he shall specifically state in his motion whether it shall apply to the main question and the amendments, or to the amendment or amendments only. It shall only be admitted when demanded by a majority of the members present, and when the motion prevails its effect shall be to put an end to all debate and to bring the house to a direct vote upon the question to which the motion applies, except when the motion applies to the main question, the member in charge of the measure under consideration, shall have ten (10) minutes in which to close the discussion before the vote is taken; when the motion applies to an amendment the person proposing the amendment shall have five minutes to close the discussion on the amendment. On a motion for the previous question, and prior to submitting the same, a call of the house shall be in order; but after such motion shall have been adopted no call shall be in order prior to the decision of the main question. If the previous question is decided in the negative the house shall

proceed with the matter before it the same as though the previous question had not been moved.

RULE 27

MOTIONS NOT DEBATABLE

Motions to lay on the table, to adjourn, and for the previous question, shall be decided without debate.

RULE 28

EFFECT OF INDEFINITE POSTPONEMENT

When a question is postponed indefinitely, it shall not be again acted upon during the session.

RULE 29

DIVISION OF THE QUESTION

Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the house. A motion to strike out being lost shall preclude neither an amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

RULE 30

COMMITMENT

Motions and reports may be committed at the pleasure of the house.

RULE 31

IRRELEVANT AMENDMENTS

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

RULE 32

RECONSIDERATION

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for a reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the house shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the house; and thereafter any member may call it up for consideration, provided that such motion, if made during the last six days of the session, shall be disposed of when made. A motion to reconsider any vote by which a bill has passed or failed to pass the house shall require a constitutional majority to be sustained.

RULE 33

PRESENTATION OF PETITIONS

Petitions, memorials, and other papers addressed to the house, shall be presented by the speaker or

a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall be referred to the committee of his selection, unless otherwise ordered by the house.

RULE 34

CONSIDERATION OF RESOLUTIONS

A proposition requesting information from the governor, secretary or any other state officer, and all resolutions shall lie on the table one day for consideration, and all such propositions shall be taken up for consideration in the order they were presented, immediately after the reports are called for from the select committee, and when adopted, the clerk shall cause the same to be delivered.

RULE 35

CALL OF THE HOUSE

Any five members, if the speaker be in the chair, shall be authorized to compel the attendance of absent members.

RULE 36

METHOD OF CALLING THE ROLL

Upon calls of the house, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically, except that "Mr. Speaker" shall be called last.

RULE 37

ABSENCES AND EXCUSES

No member shall absent himself from the service of the house without leave unless he be sick or unable to attend.

RULE 38

METHOD OF CALLING THE HOUSE

Upon the call of the house, the names of the members shall be called by the clerk, and the absentees noted after which the names of the absentees shall again be called over, and the sergeant-at-arms be directed by the speaker to compel their attendance. Any member occupying his seat during a call of the house shall be counted by the speaker and his name entered in the journal as being present but not voting, for the purpose of making a quorum.

RULE 39

COMMITTEE MEETINGS

No committee shall sit during the sitting of the house without special leave.

RULE 40

QUORUM AND DEMAND FOR THE YEAS AND NAYS

A majority of the members shall constitute a quorum, and upon demand of any two members the yeas and nays shall be ordered; the members

demanding the yeas and nays shall arise for that purpose, and their names shall be entered in the journal.

RULE 41

TIME OF CONVENING

The hours to which this house shall stand adjourned from day to day shall be nine o'clock a. m., and two o'clock p. m., unless otherwise ordered by the house.

RULE 42

COMMITTEE ON PAIRS

A committee on pairs may be appointed, to consist of two persons, one of whom shall be selected by the members of each of the two dominant political parties represented in the house. It shall be the duty of the committee to arrange all pairs between members, and to announce such pairs and the time for which they shall continue, to the house, which announcement shall be entered on the journal. Thereafter neither member so paired shall vote (upon any question of a political or partisan nature) until the time of pairing has expired, unless such pair is sooner dissolved by the mutual agreement of the persons so paired. When pairs are dissolved such dissolution shall be entered on the journal of the house.

RULE 43

FORM OF BILLS AND JOINT RESOLUTIONS

All bills and joint resolutions introduced in the house shall be typewritten, accompanied by three carbon copies; one copy shall be marked and known as the "original" and one copy marked and designated as "printer's copy." The "original" shall, after registration, be subject to delivery to the chairman of the committee to which reference is made, unless otherwise ordered, and the "printer's copy" shall be delivered to the state printer.

RULE 44

TIME OF INTRODUCTION OF BILLS. APPROPRIATION BILLS. DUTIES OF THE COMMITTEE ON APPROPRIATIONS

Bills calling for appropriations for state educational institutions, the institutions in charge of the board of control, all claims and all appropriations for clerical help in the executive departments of the state of Iowa, shall be introduced not later than February 15, 1917; no bill carrying an appropriation for any purpose after March 1, 1917, and no other bill of any kind after March 10, 1917, except by standing committee as a committee bill, but this exception shall not be applicable to the appropriation bills which are herein specifically required to be introduced or reported not later than certain dates herein specified.

The appropriations committee shall report back to the house not later than March 10th, all bills in its hands.

Senate bills thereafter received carrying appropriations shall be referred to the appropriations committee, but must be reported back to the house within three days, and remain on the calendar three days before final consideration.

On or before March 10, 1917, the committee on appropriations shall prepare a schedule of all appropriations and have the same printed and laid upon the desks of the members, designating in such schedule such bills as may have already passed the house and such as remain to be considered.

RULE 45

READINGS OF BILLS

Every bill shall receive three several readings, but no bill shall have its second and third reading on the same day.

RULE 46

FIRST READING AND RECEPTION OR REJECTION OF BILLS

The first reading of the bill shall be for information; and if opposition be made to it, the question is: "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

RULE 47

SECOND READING AND COMMITMENT

Upon a second reading of the bill, the speaker shall state that it is ready for commitment, amendment or engrossment; and if committed, then the question shall be whether to a select or a standing committee, or to a committee of the whole house. If to a committee of the whole house, the house shall determine on what day.

RULE 48

COMMITMENT OF APPROPRIATION AND REVENUE BILLS

All bills to appropriate money shall be referred to the appropriations committee, and all bills pertaining to the levy, assessment or collection of taxes shall be referred to the committee on ways and means.

RULE 49


CONSIDERATION OF COMMITTEE AMENDMENTS

After a bill has been committed and reported back it shall be considered on its second reading after the amendments of committee have been read.

RULE 50

RE-COMMITMENT

After the commitment and report thereof to the house, or any time before its passage, a bill may be re-committed.



RULE 51

MANNER OF ENGROSSMENT

All bills ordered to be engrossed shall be written with typewriter with black record ribbon.

RULE 52

CONSIDERATION OF BILLS UPON THIRD READING

No amendment, unless by way of correcting an error or omission, shall be received to any bill on its third reading, and no debate shall be allowed on the same.

RULE 53

CERTIFICATION OF BILLS

When a bill shall pass it shall be certified by the clerk noting the day of its passage at the foot thereof.

RULE 54

AMENDMENT AND SUSPENSION OF RULES

No standing rule or order of the house shall be rescinded or changed without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the house, be postponed or changed except by a vote of at least two-thirds of the members present.

RULE 55

TIME OF MAKING CERTAIN COMMITTEE REPORTS

It shall be in order for the committee on engrossed and enrolled bills to report at any time when no member is addressing the house.

RULE 56

PRINTING OF BILLS, MEMORIALS, AND JOINT
RESOLUTIONS

All bills, memorials and joint resolutions, except legalizing bills, shall be printed for the use and information of the members, unless otherwise ordered by the house.

RULE 57

COMMITTEE HEARINGS

When any matter is referred to a standing committee by motion of any member, it shall be the duty of the chairman of such standing committee to notify such member of the time of the sitting upon such matter referred, and such member shall be permitted to confer with such committee during their consideration of such matter, but no one not a member of the committee shall be present when the final vote is taken on any matter under consideration, and no final action shall be taken by the committee upon any bill on the day of public hearing thereon.

RULE 58

COMMITTEE CLASSIFICATION OF BILLS

Each standing committee of the house shall classify all bills referred to it. The bills of the greatest public importance shall be placed in the first class, and all other bills in the second class. Bills of the first class shall be first considered and reported to the house and no committee shall retain possession of any bill longer than ten days, except by consent of the house. But this shall not apply to the committee on appropriations.

RULE 59

RULES OF PARLIAMENTARY PRACTICE

The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the house in all cases where they are not inconsistent with the standing rules of this house and joint rules of both houses.

RULE 60

JOINT RESOLUTIONS

Joint resolutions shall be framed and treated as a bill.

RULE 61

COMMITTEE PROCEDURE AND REPORTS

The chairman or clerk of a committee to which a bill is referred shall note thereon the date of its

reference and it shall be the duty of each committee to report back all bills in its hands within ten days after the order of reference unless longer time is granted by a vote of the house, except as provided by rule 58. The minority of any committee may present its recommendations in writing with the report of the committee, and the same shall be printed in the journal, and said recommendation may, by a vote of the house, be substituted for the report of the committee. The clerks of the different committees shall be subject to their respective chairmen.

When a motion which works a final disposition of a bill in the committee is up for adoption the roll of the committee shall be called and the yeas and nays entered in the minutes of the meeting; this last provision, however, shall not apply to the committee on appropriations and judiciary.

It shall be the duty of the chairman to see that the record of the committee meetings as herein provided, is properly kept, and that the same is deposited with the chief clerk of the house at the final adjournment of the session.

RULE 62

COMMITTEE QUORUM

Seven members, or a majority, shall constitute a quorum of each standing committee.

RULE 63**DECORUM DURING SESSIONS**

No member or officer of the house shall be permitted to read newspapers within the bar of the house while the journal is being read, nor shall any person be permitted to smoke on the floor of the house during its session, or in the galleries at any time.

RULE 64**ADMISSION TO THE FLOOR OF THE HOUSE AND
PROHIBITION OF LOBBYING**

No one shall be admitted to the floor of the house during its sessions, except members of the general assembly and employes in the performance of their duties, ex-members of the general assembly and officers of the state government, judges and ex-judges of the supreme, district and circuit courts, the families of members of the house, trustees, superintendents and officers of the state institutions, on the invitation of the member from the district in which the institution is located, and each member shall have the right to admit a friend who may be visiting him. Representatives of the press to be admitted to the reporter's gallery.

Lobbying shall not be permitted on the floor of the house while the house is in session.

RULE 65

DUTIES OF OFFICERS AND EMPLOYEES

Chief Clerk.—The clerk of the house shall have charge of the clerk's desk and shall see that no one is permitted therein except himself and those assisting him. He shall be responsible for the custody and safe-keeping of all bills, resolutions and other matters laid before or introduced into the house, except while the same are in possession of the committee to whom the same shall have been referred, and when delivering the same to said committee he shall take a proper receipt therefor. He shall see that the journal of each day's proceedings is correctly and fully kept and fully made up before the next day's session, and be responsible for its safe-keeping. He shall have control of rooms four and five, which are assigned to said clerk for the use of himself and his assistants. He shall endorse on every bill or joint or concurrent resolution, the date of its introduction and by what member, or of its receipt from the senate, and also what action relating thereto is taken by the house. The assistant clerks shall be under his direction and he shall assign them their several duties in connection with the work of the clerk's desk.

Sergeant-at-Arms.—The sergeant-at-arms shall wear the appropriate badge of his office, shall attend the house during its sessions, shall aid during

the enforcement of order, under the direction of the speaker of the house, shall execute the commands of the house from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the presiding officer; shall, upon request of any member, have the house lighted up during any evening within the session, except Sunday, to an hour not later than 10 p. m.; shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat; shall see that the printed bills are properly distributed and filed upon the desks of the members, shall have charge of the files in the house bill room, and shall see that no copy of the bill is given except to or upon the order of the speaker of the house, or member, or state officer; shall see that an additional doorkeeper is detailed for duty at the house upon each day within the session, except Sunday, from 8:30 a. m. to 10:00 p. m.; but should no member of the house desire to occupy the chamber to that hour the detail may be relieved at 9:00 p. m.; shall have charge of the messengers of the house and see that they severally perform their duties, and shall promptly report to the speaker of the house any inefficiency or violation of duty on the part of said messengers.

Doorkeeper.—The doorkeeper of the house shall wear his appropriate badge of office; shall have

special charge of the main door of the chamber during the sittings of the house, and shall see that the other doors of the house are properly attended to; shall have general charge and oversight of the additional doorkeepers of the house; shall detail such of the additional doorkeepers for such general or special duties as the sergeant-at-arms may deem proper or necessary for the efficiency of the house and the protection of the property within the chamber; shall see that the rule relating to admission to the floor of the chamber is strictly enforced; shall, ten minutes before the opening of each session of the house, see that the floor is cleared of all persons not entitled to occupy the same during the session; shall attend to seating visitors, and shall announce all committees and messages from the governor or senate.

Janitors.—The janitors of the house shall have charge, under the direction of the sergeant-at-arms, of the cloak and retiring rooms adjoining the chamber, and shall see that the same are kept in proper order.

Messengers.—The messengers of the house shall attend the house during its sittings and perform the duties generally devolving on like employes. The messengers shall be under the direction of the sergeant-at-arms while the house is not sitting, and shall attend to such duties as he may assign them.

RULE 66

COMMITTEE CLERKS

Committee clerks of the house shall be under the general direction of the speaker. All committee clerks shall be on duty at the house from 8:30 a. m. until 5:30 p. m., unless otherwise ordered. Any clerk absenting himself or herself from the house, except for the noon luncheon, without permission from the speaker, shall not receive any pay for the day or days on which he or she is absent. Committee clerks shall do work for any member of the house upon request unless otherwise employed.

RULE 67

EXTRA COMPENSATION OF EMPLOYEES

No employe shall receive any extra compensation or tips for services performed while on duty. Any violation of this rule shall be ground for removal.

RULE 68

ORGANIZATION OF COMMITTEE OF THE WHOLE

In forming committee of the whole house, the speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the speaker.

RULE 69

CONSIDERATION OF BILLS IN COMMITTEE OF THE WHOLE

Upon bills committed to the committee of the whole house, the bill shall be first read throughout by the clerk or chairman, and then read again or debated by the clauses, leaving the preamble to be last considered. After report, the bill shall be again subject to be debated and amended by clauses before a question to engross it be taken.

RULE 70

COMMITTEE AMENDMENTS TO MOTIONS

All amendments made to an original motion in committee shall be incorporated in a motion and so reported.

RULE 71

AMENDMENTS BY COMMITTEE OF THE WHOLE

All amendments made to a report committed to a committee of the whole house shall be noted and reported as in the case of bills.

RULE 72

FILLING BLANKS

In filling up blanks in the committee of the whole house, and in the house, the largest sum and the longest time and the highest number shall be first put.



RULE 73**RULES IN COMMITTEE OF THE WHOLE**

The rules of the house shall be observed in committee of the whole house, so far as they are applicable.

JOINT RULES

RULE 1

DISAGREEMENT AND CONFERENCE

WHENEVER either house shall amend a measure and the other house shall refuse to concur in and adopt the amendment, the house which has adopted such amendment shall either insist on or recede from the same. But when a measure originating in one house is amended in the other, the house in which it originated may amend such amendment and a motion therefor shall take precedence of a motion to concur. In case said house refuses to concur, the house which adopted the amendment may either recede from or insist upon such amendment, and a motion to recede takes precedence of a motion to insist. In case a motion to insist on the amendment be decided in the negative, such action shall be deemed a receding from the amendment and so entered upon the journal of the house. In case the amendment is insisted upon, the house so insisting shall request a committee of conference on the subject of disagreement, and shall appoint a committee therefor. The other house shall thereupon appoint such a committee. Unless another number is specified in said request, such conference committee shall consist of four members from each

house. They shall meet at a convenient time, to be agreed upon by their chairman, and having conferred freely, each shall report to their respective house the result of their conference. In case of agreement, the report shall be first made, with the papers referred accompanying it, to the house which refused to concur, and there acted upon; and such action shall be immediately reported by the secretary or clerk to the other house, the papers referred accompanying the message. In case of disagreement of conference committee, the papers shall remain with the house which insisted on the amendment. The agreeing report of a conference committee shall be made, read and signed in duplicate by all the members of the committee, or by a majority of those of each house, one of the duplicates being retained by the committee of each house.

RULE 2

PRESENTATION OF MESSAGES

When a message shall be sent from either house to the other, it shall be announced at the door of the house to which it is sent by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

RULE 3

TRANSMISSION OF MESSAGES

All messages between the two houses shall be

communicated by the secretary or chief clerk or their respective assistants.

RULE 4

ENROLLMENT OF BILLS

When a bill shall have passed both houses it shall be duly enrolled by the enrolling clerk of the house in which it originated, and the fact of its origin shall be certified by the endorsement of the secretary or clerk thereof.

RULE 5

EXAMINATION OF ENROLLED BILLS

When the bills are enrolled they shall be examined by a joint committee of two from the senate and two from the house of representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills, as passed in the house, correct any errors therein, and make report thereof forthwith to their respective houses.

RULE 6

AUTHENTICATION OF ENROLLED BILLS

After the report, each bill shall be signed, first by the speaker of the house of representatives, and then by the president of the senate, in the presence of their respective houses.

RULE 7

TRANSMISSION OF BILLS TO THE GOVERNOR

After a bill shall have been thus signed in each house, it shall be forthwith presented, by committee of the house in which the bill originated, to the governor, for his approval, and they shall forthwith report the date of presentation, which shall be entered upon the journal of the house in which the bill originated.

RULE 8

CONCERNING OTHER ENROLLMENTS

All orders, resolutions, memorials or other votes, which are to be presented to the governor for his approval, shall be enrolled, examined, signed and presented in the same manner as bills.

RULE 9

CERTIFICATION OF BILLS AND OTHER ENROLLMENTS

When any bill, resolution or memorial, which shall have passed in one house, is rejected or adopted in the other, notice of such action shall be given to the house which passed the same. And each bill, resolution or memorial shall have properly endorsed thereon, at the time of its transmission, a statement, signed by the secretary or clerk, of the action which has been taken thereon by the house transmitting the same, with the date thereof.

RULE 10**REINTRODUCTION OF BILLS AND OTHER MEASURES**

When a bill, resolution or memorial which shall have passed one house is rejected in the other, it shall not be again introduced during the session without five days' notice and leave of a majority of the members of the house in which the same is sought to be introduced.

RULE 11**TRANSMISSION OF PAPERS**

Each house shall transmit to the other with any bill, resolution or memorial all papers upon which the same shall be founded.

RULE 12**PRINTING OF BILLS AND OTHER DOCUMENTS**

When any report, bill or resolution shall be ordered printed by either house, without stating the number, three hundred copies shall be printed for the use of both houses, but when any bill or resolution which may have passed one house is ordered printed by the other, a greater number of copies shall not be printed than the house making the order shall determine.

RULE 13**CONCERNING THE PRINTING OF DOCUMENTS**

It shall be the duty of the chief clerk of the house

of representatives and the secretary of the senate, when any document, except bills and resolutions, is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

RULE 14

ROLL CALL IN JOINT CONVENTION

In all elections in joint convention of the two houses, the names of all members shall be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

RULE 15

RECORDS OF THE COMMITTEE ON CLAIMS

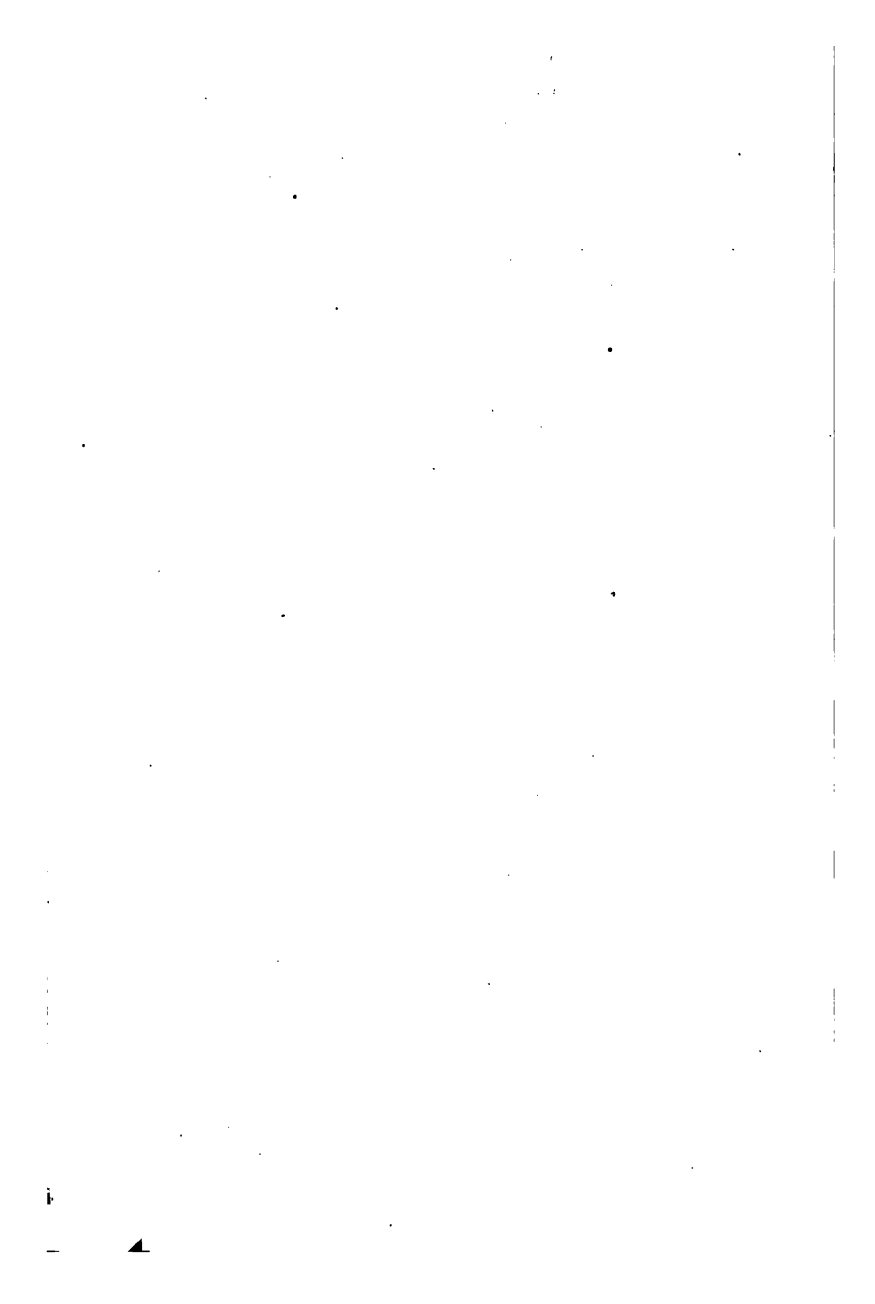
It shall be the duty of the committee on claims in each house to keep a book of record, in which shall be entered each claim for money against the state referred to them, whether presented in favor of private persons or municipal or other corporations, entering therein the name of the claimant, the amount of the claim, the grounds therefor, with note of the evidence offered in support of the same, and the final conclusion of the committee thereon. At the close of the session said book of record shall be deposited with the auditor of state, to be kept by him, and he shall provide an index, showing the names of the claimants recorded therein. At any subsequent session the same shall be delivered,

when desired, to the like committee having jurisdiction of such claims and shall always be open to the examination of the said committee of either house.

RULE 16

FORM OF BILLS

All bills hereafter introduced shall be typewritten, on legal-cap paper, double spaced, and each line, except first and last lines of paragraphs, shall contain not less than five and one-half inches of typewritten matter.



**OFFICERS AND MEMBERS
OF THE
THIRTY-SEVENTH GENERAL ASSEMBLY**

OFFICERS OF THE SENATE

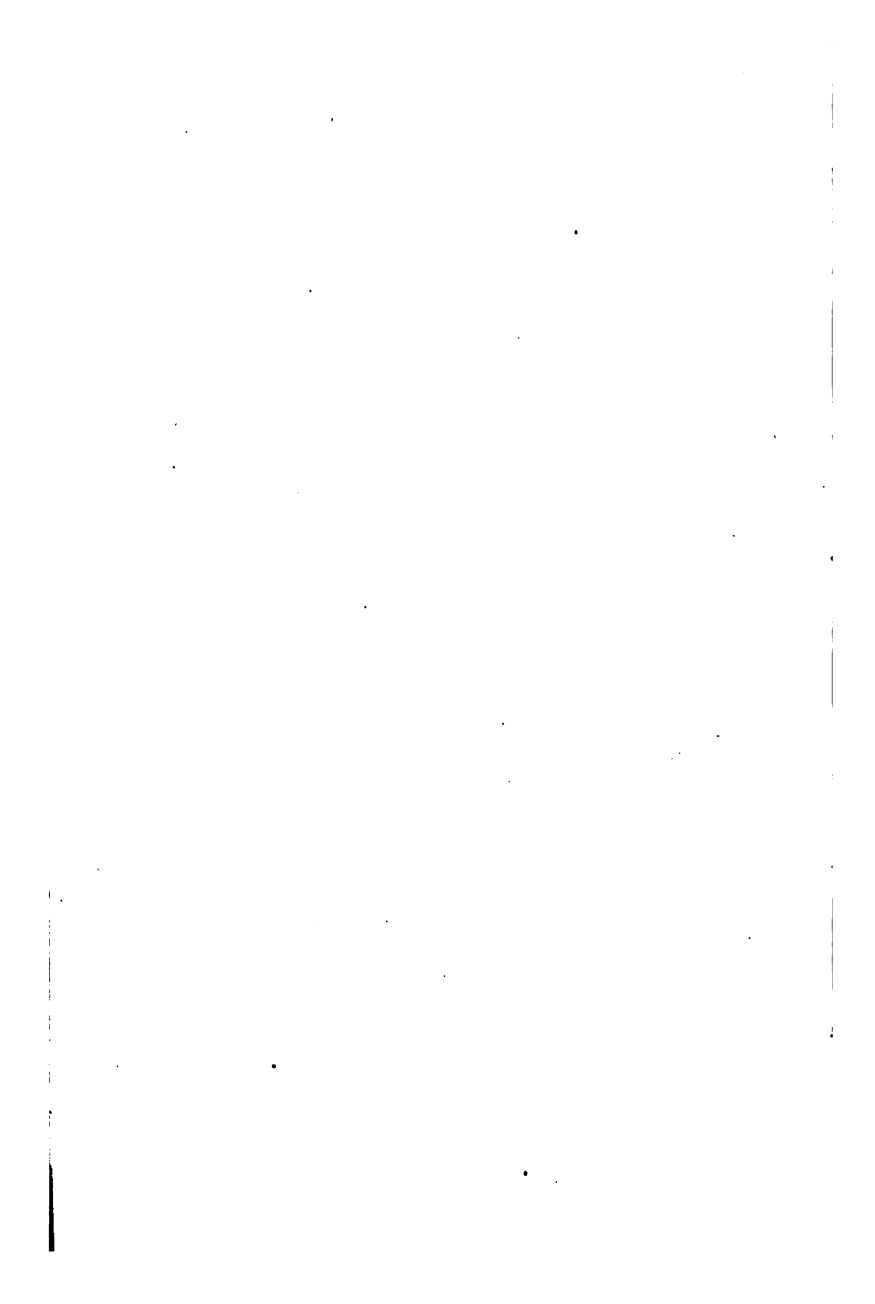
LIEUTENANT GOVERNOR ERNEST R. MOORE	President of the Senate
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BY

DAN E. CLARK

**ASSOCIATE EDITOR IN THE STATE
HISTORICAL SOCIETY OF IOWA**

44. 45.

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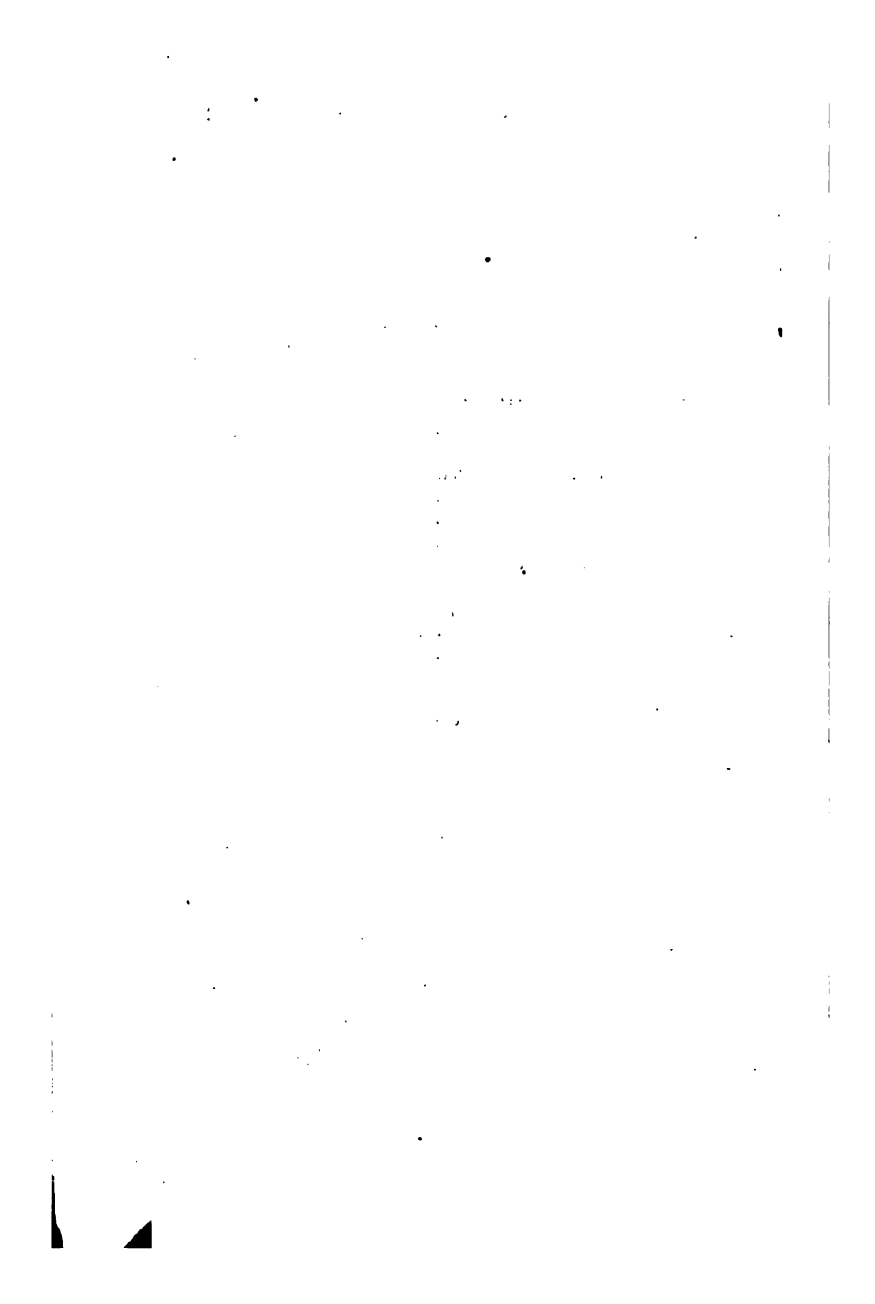
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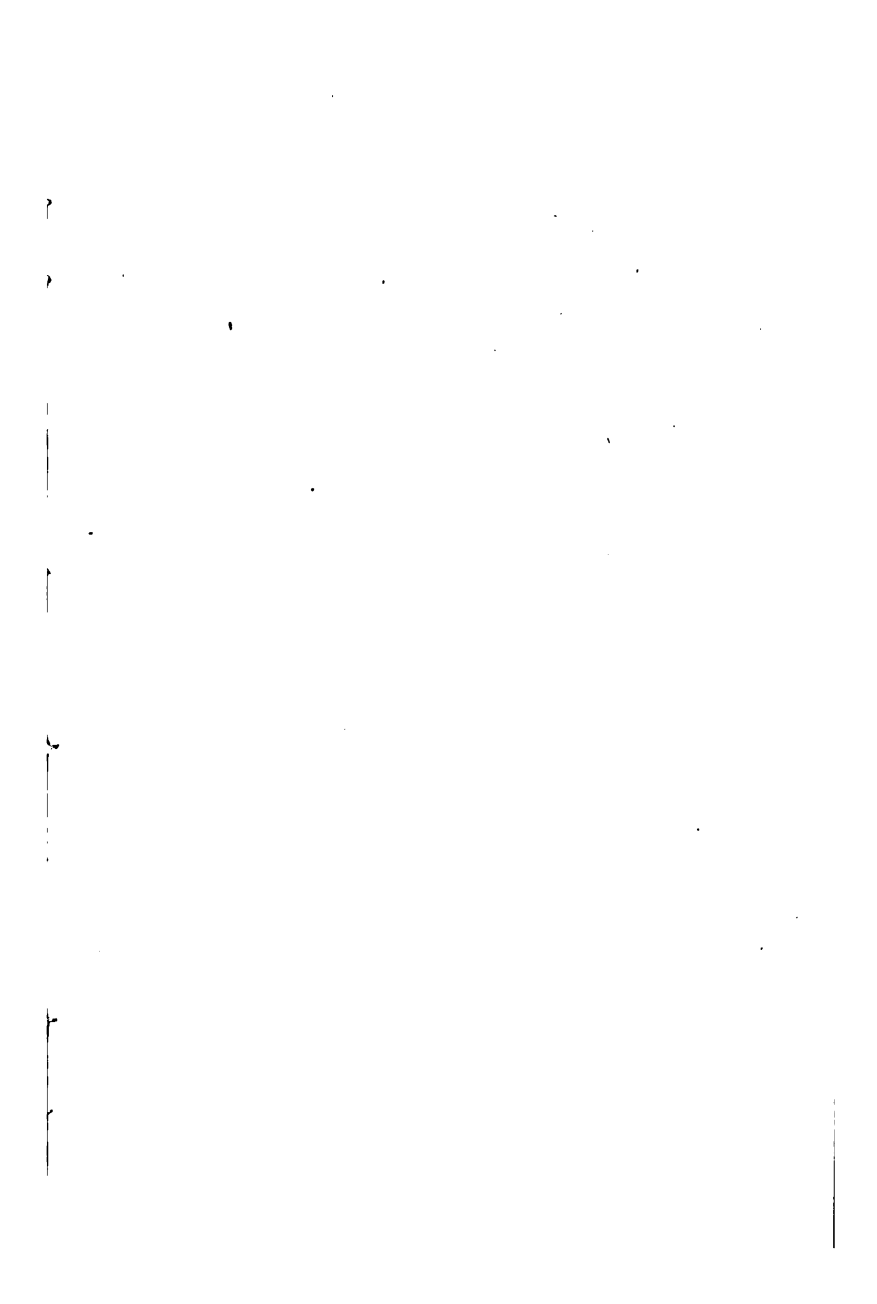
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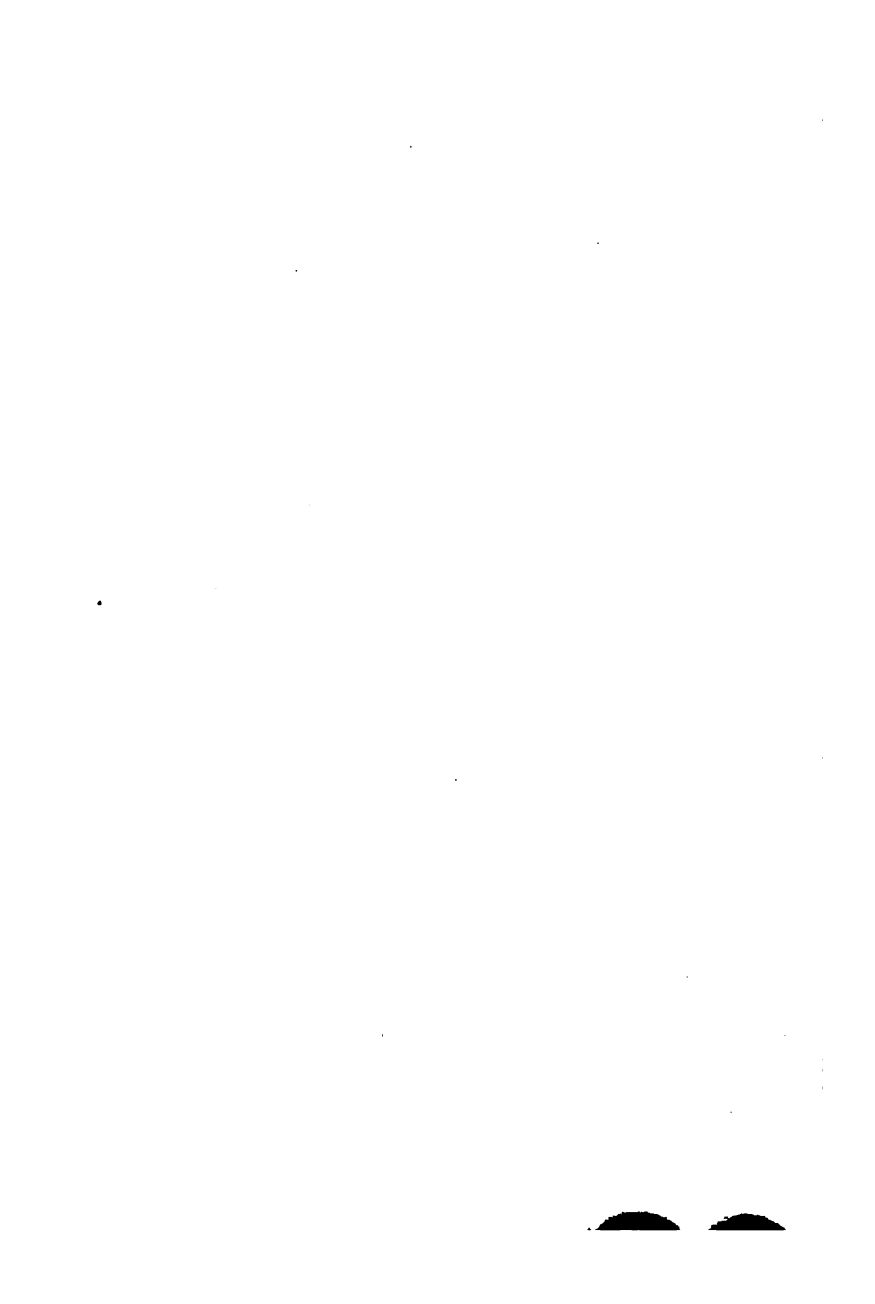
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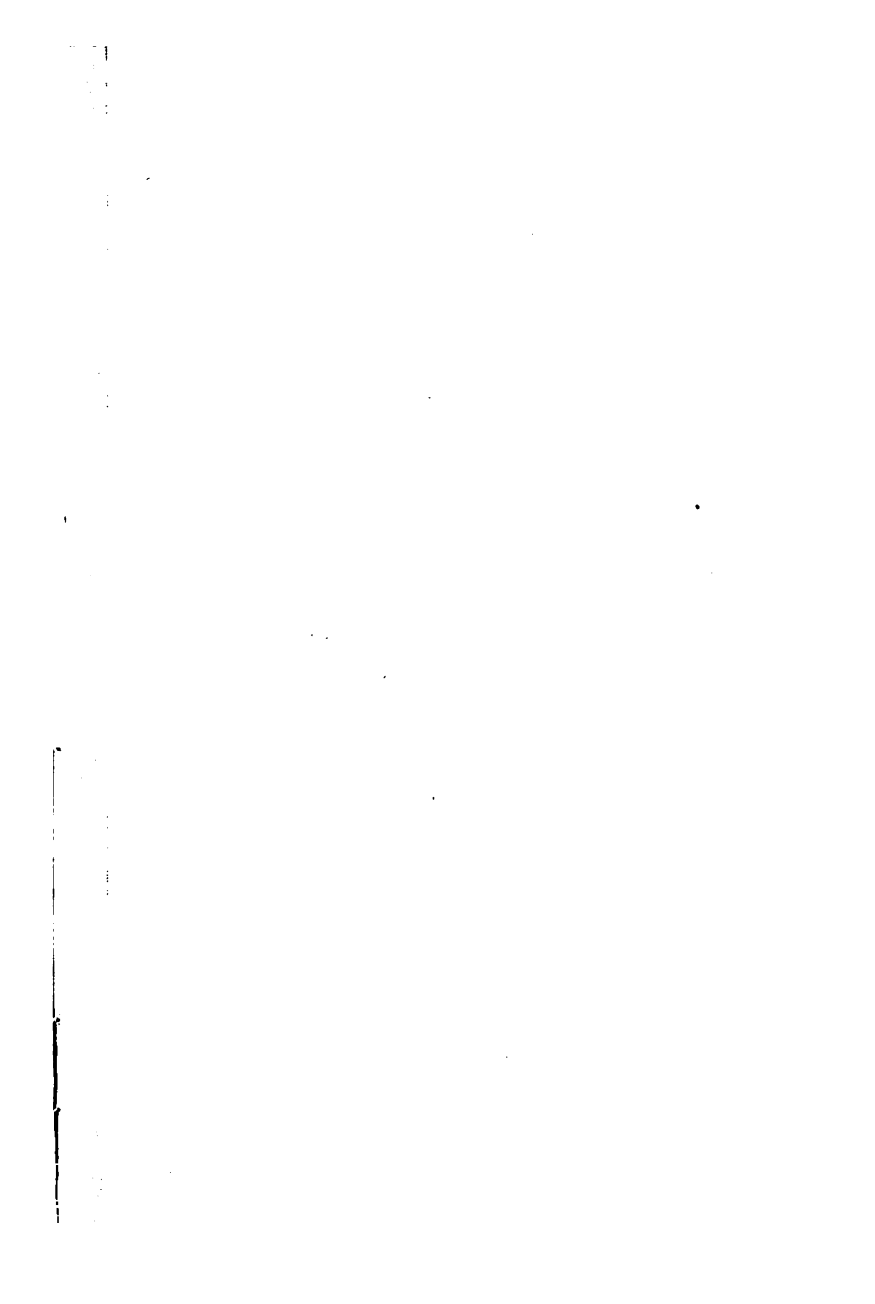
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